

12 AUGUST 1947

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
	2849		Proceedings of the Joint Committee on the Investigation of the Pearl Harbour Attack, Congress of the U.S., 79th Con- gress, First Session	25531	
1500-P-4	2849-A		Excerpt therefrom - Testimony of Admiral Harold R. Stark, dated 11 April 1946		25532
	2850		Part 20 of the Hearings before the Joint Com- mittee on the Investigation of the Pearl Harbour Attack, Congress of the U. S.	25536	
1500-N-5	2850-A		Excerpt therefrom - Telegram dated 9 May 1941 from Lauchlin Currie to the President of the U.S. re Air- craft Program for China and the Reply of Presi- dent Roosevelt dated 15 May 1941		25536
			<u>MORNING RECESS</u>		25545
	2851		Excerpt from Exhibit No. 50 of the Joint Committee on the Investigation of the Pearl Harbour Attack, Congress of the U.S.	25547	

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(cont'd)

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1500-T-4	2851-A		Excerpt therefrom - American, Dutch, British Conversations, Singapore, April 1941		25547
401-(47)	2852		Secretary Hull's Address of 24 April 1941		25560
			<u>NOON RECESS</u>		25562
	2853		Proceedings of the Joint Committee on the Investigation of the Pearl Harbour Attack, Congress of the U.S., 79th Congress, First Session		25564
1500-R-4	2853-A		Excerpt therefrom - Testimony of Admiral Richmond Kelly Turner, 20 December 1945		25565
401-(51)	2854		Excerpt from the Official Publication "Peace and War" re meeting at sea of President Roosevelt and Prime Minister Churchill re supplying of Munitions of War under the Lend-Lease Act		25576

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(cont'd)

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1500-O-3	2855		Excerpt from Exhibit No. 37 of the Joint Committee on the Investigation of the Pearl Harbour Attack; Congress of the U.S., 79th Congress, First Session		25578
1500-H-3	2856		Excerpt from Exhibit No. 33 of the Joint Committee on the Investigation of the Pearl Harbour Attack; Congress of the U.S., 79th Congress, First Session - Military Intelligence Estimates prepared by G-2, War Department, Washington D.C., 2 September 1941		25584
<u>AFTERNOON RECESS</u>					25592
1500-S-3	2857		Excerpt from Exhibit No. 37 of the Joint Committee on the Investigation of the Pearl Harbour Attack; Congress of the U.S., 79th Congress, First Session - Basic Exhibit of Despatches - Top Secret Naval Despatch dated 23 November 1941		25604

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(cont'd)

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1500-N-2	2858		Excerpt from Exhibit No. 32 of the Joint Committee on the In- vestigation of the Pearl Harbour Attack, Congress of the U.S., 79th Congress, First Session - Messages Between War Department and Hawaii from 8 July to 7 September 1941		25607
1500-A-5	2859		Excerpt from Exhibit No. 17 of the Joint Committee of the In- vestigation of the Pearl Harbour Attack, Congress of the U.S., 79th Congress, First Session - Memorandum for the President dated 27 November 1941		25612

1 Tuesday, 12 August 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE STUART McDOUGALL,
15 Member from the Dominion of Canada and HONORABLE
16 JUSTICE I. M. ZARAYANOV, Member from the USSR., not
17 sitting from 0930 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): If the
5 Tribunal please, we submit the following language
6 corrections:

7 Record page 18,236, line 2, in order to con-
8 form to correction made on record page 8,414, line 25,
9 substitute "seven or eight fold" for "70 to 80%."

10 Exhibit 2234, record page 16,044, line 17,
11 substitute "her chief objective" for "their chief
12 objectives." Line 25, delete "only"; after "Japan"
13 insert "merely."

14 Record page 16,045, line 5, substitute
15 "advised" for "notified." Line 18, insert "then" after
16 "France and." Line 19, delete "furthermore for her."
17 Line 20, read "power"; substitute "cause her to with-
18 draw from" for "with the aid of Russia wash their hands
19 off of." Line 22, delete "have USSR"; after "stop"
20 substitute "her" for "the"; delete "and" and "have";
21 Line 23, delete "USSR"; after "withdraw" substitute
22 "her" for "the." Line 25, after "favorably" insert
23 "to us."

24 Record page 16,046, line 9, delete from "as
25 the" to the end of the sentence and read "because it is

not the logical process."

1 In the original exhibit, page 20, paragraph
2 3, line 1, after "beginning" insert "to." Line 3,
3 substitute "this was a proposal for" for "I was in
4 favor of."

5 Page 23, last paragraph, line 7, substitute
6 "have made" for "make." Line 8, read "enabled."

7 Page 24, paragraph 2, line 12, substitute
8 "she" for "they." Paragraph 3, line 9, after "provide"
9 insert "and."

10 Page 31, paragraph 1, lines 5 and 6, delete
11 from "If Japan" to "whatsoever for" and read, "If
12 Germany were to feel no uneasiness even if Japan and
13 the USSR compromised and enabled." Line 13, after
14 "Balkans" insert "I believe that an understanding can
15 be achieved between Germany, the Soviet and Italy."

16 Record page 16,052, line 14, delete "it
17 becomes such that." Line 15, delete "carrying out."
18 Line 19, substitute "is not fully developed" for "could
19 be maintained."

20 Original exhibit, page 61, paragraph 3, line 1,
21 substitute "another" for "a."

22 THE PRESIDENT: Mr. Logan.

23 MR. LOGAN: If the Tribunal please, we offer
24 in evidence defense document 1900-A-14, an excerpt from
25

1 the "Asahi Shimbun" of January 17, 1941 reporting the
2 establishment of the Canadian corridor intended to
3 connect the United States with Alaska. It further
4 reports the visit of the Australian Premier to England
5 regarding cooperation between England and Australia and
6 his proposed visit to the United States to talk with
7 President Roosevelt.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, this
10 is an excerpt from a newspaper similar to those of
11 the documents presented under the 1900 series. Objec-
12 tion is made to its introduction on the same grounds
13 as those previously stated.

14 MR. LOGAN: If the Tribunal please, here
15 again we are offering this document to show the
16 reports of Allied activities as published in the
17 Japanese paper and for the effect that these reports
18 had on the Japanese people and the Japanese government.
19 They have a direct bearing on the issue raised by the
20 prosecution as to whether or not this was an unprovoked
21 war; also on the issue raised by the prosecution as to
22 whether or not there was any encroachment by the
23 Western Powers on Japan.

24 THE PRESIDENT: The objection is sustained
25 and the document rejected by a majority.

1 MR. LOGAN: We offer in evidence defense
2 document 1900-A-15, an excerpt from the "Asahi"
3 newspaper of January 19, 1941 reporting the bill for
4 increasing the total number of Naval Academy students
5 passed by the Naval Committee of the Congress of the
6 United States.

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please, the
9 same objection is made on the same grounds.

10 MR. LOGAN: If the Tribunal please, we are
11 offering this document to show that the Japanese
12 people and Japanese government were advised through
13 newspapers of the increase requested by the United
14 States Navy of the number of students to be admitted
15 to the Naval Academy. It also shows further preparation
16 for the war by the United States by passage of a bill
17 for the increase of the students of the Naval Academy.

18 THE PRESIDENT: Objection sustained and the
19 document rejected by a majority.

20 MR. LOGAN: We offer in evidence defense
21 documents 1500-Z-1 and 1500-J-2. This is a letter
22 dated January 24, 1941 from the Secretary of Navy of
23 the United States to the Secretary of War of the United
24 States relative to the defenses of Pearl Harbor and also
25 the reply of the Secretary of War of the United States

1 dated February 7, 1941. It is offered for the purpose
2 of showing that the highest cabinet officials of the
3 United States believed that it was easily possible
4 that hostilities would be initiated by a surprise
5 attack upon the fleet at Pearl Harbor.

6 I offer this for the purpose of reading only
7 the last sentence of the first paragraph.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, these
10 two documents are part of the 1500 series. The same
11 objection is made to their introduction as formerly
12 made and on the same grounds.

13 MR. LOGAN: I just do not understand what
14 the prosecution objection is. There have been so
15 many grounds raised to so many documents but if it is
16 on the ground of materiality this document is offered
17 to show that the United States recognized the possi-
18 bility of an attack on Pearl Harbor and other evidence
19 will be introduced--

20 THE PRESIDENT: Objection sustained and the
21 document rejected by a majority.

22 MR. LOGAN: I had not completed my statement,
23 if the Tribunal please.

24 THE PRESIDENT: It is obvious that the fact
25 that the Secretary of the Navy contemplated a possible

1 surprise attack is not evidence of the legality of
2 the attack--

3 MR. LOGAN: If the Tribunal please--

4 THE PRESIDENT: --or the justification for
5 the attack. The debate is closed.

6 MR. LOGAN: We offer in evidence defense
7 document 1500-X-1. This is a secret letter from
8 Admiral Richardson to Admiral Stark dated 25 January
9 1941 in which the Commander in Chief of the United
10 States fleet outlines tentative assumptions upon which
11 the actions of the United States fleet in the Pacific
12 will be predicated and is offered to show the extent
13 to which the United States had gone in anticipating
14 war with Japan ten months before the Pearl Harbor
15 attack.

16 I intend to read paragraph 4 on pages 1 and 2.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If it please the Tribunal,
19 the tentative assumptions referred to in this document,
20 which is also one of the 1500 series, brings it with-
21 in the purview of another similar document which the
22 Tribunal rejected. Objection is made on the grounds
23 previously asserted.

24 MR. LOGAN: This document and similar evidence
25 which we are offering of Admiral Richardson is being

1 done pursuant to the Tribunal's invitation as shown
2 on record pages 11,282-3-4. That invitation occurred
3 during the cross-examination of Admiral Richardson
4 when an attempt was made to inquire as to some reports
5 which he had made at the Pearl Harbor Investigation
6 Committee and in addition we wish to show through
7 this particular document statements made by Admiral
8 Richardson on this occasion. All this evidence is
9 being offered--

10 THE PRESIDENT: I have not a transcript
11 before me. I do not know what the invitation was,
12 Mr. Logan; I cannot recall it.

1 MR. LOGAN: The invitation was that the
2 defense submit statements made by Admiral Richard-
3 son on the Pearl Harbor Investigation report, and
4 this is an extension of that invitation, rather than
5 to conduct a further cross-examination of him.

6 During the Pearl Harbor --

7 THE PRESIDENT: Submit it as far as it is
8 relevant and material and possessing probative
9 value.

10 MR. LOGAN: Its relevancy and materiality
11 and probative value lie in the fact that it is
12 offered to meet the statement of Mr. Chief
13 Prosecutor on page 22 of his opening statement,
14 where he defines an act of aggression, quoting
15 from Webster's New International Dictionary, second
16 edition, unabridged, 1943, as being: "A first or
17 unprovoked attack or act of hostility; the first
18 act of injury or first act leading to a war or a
19 controversy; an assault. Also, the practice of
20 attack or encroachment, as a war of aggression."

21 All this evidence is being offered to com-
22 bat the prosecution contention that this was an act
23 of aggression on the part of Japan -- that certain
24 steps were taken by other countries as a result of
25 which action was taken by Japan. It is for the

1 Tribunal to determine whether or not the final re-
2 sult was an aggressive war.

3 By all these documents we are introducing
4 in this division, we are endeavoring to show what
5 the Allied countries were doing, the information
6 obtained by Japan with respect to those acts of en-
7 croachment or perhaps aggression, and the fact that
8 these acts were published in Japan in the news-
9 papers and received by the Japanese Government,
10 and the actions taken by the Japanese Government
11 thereon. All this evidence is offered for the pur-
12 pose of showing that, and that is my answer to the
13 prosecution's claim that it is immaterial and
14 irrelevant.

15 THE PRESIDENT: By a majority the objec-
16 tion is sustained and the document rejected.

17 MR. LOGAN: We offer in evidence defense
18 document 1900-A-16, an excerpt from the "Asahi
19 Shimbun" of January 26, 1941, reporting that
20 Secretary of Navy Knox had sent a note marked
21 "Secret" to all major newspapers requesting that
22 they withhold publication of certain navy infor-
23 mation set forth in the document.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, the

1 same objection is made to the introduction of this
2 document as to the other documents in the 1900
3 series.

4 MR. LOGAN: I make the same statement with
5 regard to the relevancy of that.

6 THE PRESIDENT: The objection is sustained
7 and the document rejected by a majority.

8 MR. LOGAN: We offer in evidence defense
9 document 1900-A-17, an excerpt from the "Asahi"
10 newspaper of January 28, 1941 reporting United
11 States bombers being sent to Australia to be
12 distributed to the naval ports of Darwin in
13 Australia and Singapore.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If it please the Tribunal,
16 this has been a constant repetition of presentation
17 of similar documents which have been ruled upon by
18 the Tribunal, and it is submitted that counsel for
19 the defense should be required to delete from their
20 order of proof those documents which are similar,
21 in the interests of saving time.

22 THE PRESIDENT: Of course we must rest
23 largely upon counsel to do the right thing by the
24 Tribunal. We require counsel to do that, but if
25 counsel tenders a document in defiance of that, we

1
2 have to consider the document and express our
3 opinion later.

4 MR. TAVENNER: I make the same objection
5 to the introduction of this as to the other documents
6 of the 1900 series.

7 MR. LOGAN: With respect to the prosecu-
8 tion's suggestion that I withdraw these documents,
9 I respectfully call his attention to the fact that
10 apparently some Members of the Tribunal are in favor
11 of the admission of these documents in view of the
12 fact that the objections are sustained only by a
13 majority.

14 THE PRESIDENT: The Charter says that all
15 these questions must be decided by a majority, and
16 the Charter is binding on every Member. I have
17 often dissented, but I accept the decision of the
18 majority of the Court, and I am not going to con-
19 sider anything that they do not admit.

20 MR. LOGAN: I appreciate that. The Charter
21 permits us to offer documents which have probative
22 value, the same way as the prosecution introduced
23 their evidence. I believe all this evidence which we
24 have offered, and which we intend to offer, is
25 relevant to the issues raised by the prosecution.

THE PRESIDENT: Before any decision is given

1 by this Court, every Member reads the document care-
2 fully and decides whether or not it has probative
3 value. Then I give the decision, sometimes by a
4 majority, sometimes we are unanimous.

5 No Member of this Tribunal can do more than
6 exercise his honest judgment, and he does it in
7 every case, and why quarrel with him over it? You
8 appear to be resenting the attitude of the Tribunal
9 in persisting in presenting these documents, know-
10 ing they are going to be rejected, Mr. Logan.

11 MR. LOGAN: May I finish what I started
12 to say, if the Tribunal please?

13 It was either yesterday or Friday -- I
14 have forgotten which -- when the question came up
15 on some documents and I was invited to offer all
16 these documents because we had them in chronological
17 order, even though under the previous rulings of the
18 Tribunal I knew there was a question about it, and
19 I proceeded on that basis, but these particular
20 documents we are now offering we have spent consider-
21 able time in culling out from thousands of docu-
22 ments because we believe they are all relevant and
23 should be brought to the Tribunal's attention.

24 I am not quarreling with the Tribunal or
25 any Member of it, but it is my understanding of what

1 the President said the other day, that some Members
2 of the Tribunal like to see all these documents
3 that are offered, and that is why I was invited to
4 continue to offer them.

5 THE PRESIDENT: If any Member of this
6 Tribunal wants to see a document, even though
7 rejected, I am not going to stop him. I cannot.

8 I did tell you, Mr. Logan, to put all those
9 documents in the same category in one bundle, then
10 tender them, they will be rejected, and then the
11 Members can help themselves to them if they see fit.

12 MR. LOGAN: Each of these documents, if
13 the Tribunal please, contains different information.
14 They are not all the same.

15 May I have a ruling on the last document?

16 THE PRESIDENT. Go ahead. Proceed. I will
17 confer with my colleagues during the recess, to see
18 what can be done if we waste much more time in this
19 way. I am not taking any precipitate action.

20 By a majority the objection is uphold
21 and the document rejected.
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1 MR. LOGAN: We offer in evidence defense
2 document 1900-A-18, an excerpt from the Asahi Shim-
3 bun of February 3, 1941, reporting tacit agreement
4 reached between the United States, Australia and New
5 Zealand to prepare for future situation in the Southern
6 Pacific. It further reports the transfer of United
7 States Navy planes to Australia.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, this
10 is another excerpt from a newspaper under the 1900
11 series, and the same objection is made to its intro-
12 duction.

13 THE PRESIDENT: By a majority the objection
14 is sustained and the document rejected.

15 MR. LOGAN: We offer in evidence defense
16 document 1900-A-19, an excerpt from the Asahi News-
17 paper of February 8, 1941, reporting that an under-
18 standing was made as how to deal with unexpected
19 circum, 'ances in the South Pacific among America,
20 Australia and New Zealand. The important points
21 of the negotiations consisted of the naval base at
22 Singapore, refueling stations at the various ports in
23 Australia and New Zealand and the problem of American
24 usage of airfields which exist in self-governing
25 territories of the British.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: The same objection, if the
3 Tribunal please.

4 THE PRESIDENT: By a majority the objection
5 is sustained and the document rejected.

6 MR. LOGAN: We offer in evidence defense
7 document 1500-Y-1. This is a secret letter from
8 Admiral Stark to Admiral Richardson dated 10 February
9 1941, which announces that WPL 44, American Naval War
10 Plan, shall have the highest priority. I only intend
11 to read the second, third, and fourth paragraphs.

12 THE PRESIDENT: Mr. Tavenner, I don't want
13 you to start arguing about this. I want the Judges
14 to see these things. I said they are reading them,
15 and they are.

16 Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, the
18 same objection is made to this document as to the
19 others of the 1500 series.

20 THE PRESIDENT: The objection is sustained
21 and the document rejected.

22 MR. LOGAN: We offer in evidence defense
23 document 1900-A-29, an excerpt from the Asahi Shimbun
24 of February 14, 1941, reporting President Roosevelt's
25 request to Congress for a supplementary budget

1 amounting to \$898,000,000, which includes the ex-
2 penditure of strengthening the defense of the Pacific
3 Islands.

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVENNER: If the Tribunal please, the
6 same objection is made to the introduction of this
7 document as to the other documents under series 1900.

8 THE PRESIDENT: The objection is sustained and
9 the document rejected by a majority.

10 MR. LOGAN: We offer in evidence defense
11 document 1900-A-21, an excerpt from the Asahi Shimbun
12 of February 17, 1941, reporting British-American-
13 Australian-Dutch Conference held in Washington on
14 joint defense in the Pacific.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: The same objection, if the
17 Tribunal please.

18 THE PRESIDENT: The objection is sustained
19 and the document rejected by a majority.

20 MR. LOGAN: We offer in evidence --

21 THE PRESIDENT: Mr. Logan, I have to cancel
22 this decision because one, at least, of my colleagues
23 didn't see his copy before I announced it. I saw that
24 all copies were served on my left, but apparently
25 they were not all served on my right.

I repeat that decision.

Tender your next document.

MR. LOGAN: We offer in evidence defense document 1900-A-22, an excerpt from the Asahi Shimbun of February 17, 1941, reporting British Admiralty announcement that mines would be laid at the east entrance to the Singapore Straits, and that after February 16th such mine laying would be carried out without warning.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: The same objection, if the Tribunal please.

THE PRESIDENT: The objection is sustained and the document rejected by a majority.

MR. LOGAN: We offer in evidence defense document 1900-A-23, an excerpt from the Asahi Shimbun of February 22, 1941, reporting secret meeting of the Senate Military Affairs Committee in which plans for quickly strengthening the U. S. Air Force in the Pacific was discussed. It further states that the military authorities of the U. S. A. considered that Germany was urging Japan to participate in the war.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, the prosecution makes the same objection.

1 THE PRESIDENT: By a majority the objection
2 is sustained and the document rejected.

3 MR. LOGAN: We offer in evidence defense
4 document 1900-A-24, an excerpt from the Asahi News-
5 paper of February 22, 1941, reporting a statement
6 made by General Marshall about the immediate strengthen-
7 ing of military preparations in the Pacific, and his
8 view that conditions in the Pacific were critical.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: The same objection, if the
11 Tribunal please.

12 THE PRESIDENT: By a majority the objection
13 is sustained and the document rejected.

14 MR. LOGAN: This is the last of the 1900
15 series. We offer in evidence defense document
16 1900-A-25, an excerpt from the Asahi Newspaper of
17 February 22, 1941, reporting a New York Times dispatch
18 which stressed the military and economic significance
19 of Singapore to the United States.

20 THE PRESIDENT: Mr. Tavenner.

21 MR. TAVENNER: The prosecution objects, if
22 the Tribunal please.

23 THE PRESIDENT: By a majority the objection
24 is sustained and the document rejected.
25

MR. LOGAN: Defense document 1500-M-4.

1 This is an excerpt from the recorded U. S. - British
2 Staff Conversations held in Washington from January
3 29, 1941 to March 27, 1941, at which time joint war
4 plans against Japan were discussed. This brief
5 secret excerpt from the Pearl Harbor Report is offered
6 only to establish that such military plannings were
7 in progress at this time and to disclose the extent
8 of the collaboration between the United States and
9 the United Kingdom.
10

11 THE PRESIDENT: Mr. Tavenner.

12 MR. TAVENNER: If the Tribunal please, this
13 is another of the 1500 series documents, which is
14 objected to on the grounds previously mentioned.

15 THE PRESIDENT: By a majority the objection
16 is sustained and the document rejected.
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1 MR. LOGAN: Defense document 1500-P-4. This
2 is an excerpt from the testimony of Admiral Stark
3 in which he reveals the fact that British and American
4 military leaders met in Washington for the purpose
5 of discussing military collaboration. It further
6 reveals that the military men of England came dressed
7 in civilian clothes instead of the ordinary uniforms.

8 I might add that a document similar to this
9 with respect to the meetings that were held in the
10 latter part of 1937 was admitted by the Tribunal the
11 other day.

12 THE PRESIDENT: That is so. I think it was
13 somewhat like it.

14 MR. TAVENNER: The same objection, if the
15 Tribunal please.

16 THE PRESIDENT: Are you trying to distinguish
17 this from the document admitted the other day?

18 MR. TAVENNER: No, sir, I think there is no
19 distinction on principle. We objected--

20 THE PRESIDENT: The objection is overruled
21 and the document admitted on the usual terms.

22 CLERK OF THE COURT: Official publication
23 entitled "Pearl Harbor Attack, Part 11," will receive
24 exhibit No. 2849 for identification only; and the
25 excerpt therefrom, bearing defense document

No. 1500-P-4, will receive exhibit No. 2849-A.

(Whereupon, the document above referred to was marked defense exhibit No. 2849 for identification; and the excerpt therefrom, being document No. 1500-P-4, was marked defense exhibit No. 2849-A and received in evidence.)

MR. LOGAN: I shall read exhibit 2849-A from the Proceedings of the Joint Committee on the Investigation of the Pearl Harbor Attack.

"Excerpt from testimony of Admiral Harold R. Stark, Thursday, April 11, 1946.

"Mr. GEARHART: When did you send Admiral Ingersoll to London to discuss the possible naval cooperation of the British and American navies?

"Admiral STARK: I did not send Admiral Ingersoll to London to discuss such a point. That occurred prior to my tenure of office as Chief of Naval Operations.

"Mr. MURPHY: 1938.

"Mr. GEARHART: And he was sent by whom?

"Mr. RICHARDSON: If you know.

"Admiral STARK: Well, Admiral Leahy was Chief of Naval Operations prior to my going there. If it was in his tenure of office, he would have been sent

1 undoubtedly by concurrence with the Secretary, or
2 direction of the Secretary, but he was sent previous
3 to my time.

4 "Mr. GEARHART: Now, directing your attention
5 to the year 1940, did you request the British Govern-
6 ment to send naval experts to the United States to
7 discuss the possibility of naval cooperation?

8 "Admiral STARK: Yes, I did. I think it was
9 May of 1940, but those meetings were held in early
10 1941, as I recall, and completed in March of 1941.

11 "Mr. GEARHART: But it was in 1940, the fall
12 of 1940 that you communicated with Admiral Sir Dudley
13 Pound of the British Navy, requesting that he send
14 his naval experts to the United States to discuss
15 collaboration between the two navies?

16 "Admiral STARK: That is correct, in case of
17 war.

18 "Mr. GEARHART: Upon whose responsibility was
19 that message sent?

20 "Admiral STARK: My own.

21 "Mr. GEARHART: Did you discuss the subject
22 with the President?

23 "Admiral STARK: I sent that on my own, and
24 I did not notify the President until after I had done
25 it.

1 "Mr. GEARHART: And as the result of that
2 message that you sent to Sir Dudley Pound, a commission
3 did arrive in the United States from England?

4 "Admiral STARK: They did; yes, sir.

5 "Mr. GEARHART: And they came in civilian
6 clothes?

7 "Admiral STARK: Yes, sir.

8 "Mr. GEARHART: And a number of consultations
9 were held at which you were present?

10 "Admiral STARK: Generally speaking, I was
11 not present with the working committee, but of course
12 I was in consultation with them, and was informed as
13 to what was going on.

14 "Mr. GEARHART: Did you attend all of the
15 meetings that were held in the United States?

16 "Admiral STARK: No, no; very, very few of
17 them."

18 This is an excerpt from the Congressional
19 Investigation of the Pearl Harbor Attack, and is an
20 excerpt from the testimony of Lt. General Leonard T.
21 Gerow, who was Assistant Chief of Staff, War Plans
22 Division of the United States Army. This testimony
23 is introduced for the purpose of showing the existence
24 of American, British and Dutch military conversations
25 at Singapore in April 1941. We now offer defense

document 1500-Q-4 in evidence.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please, this
3 is another of the 1500 series which is on all fours
4 with document 1500-M-4 which was rejected a few
5 minutes ago.
6

7 THE PRESIDENT: how is it different from the
8 last one that was admitted? I am not able to draw
9 the line. I should be inclined to give them the bene-
10 fit of the doubt, Mr. Tavenner.

11 MR. TAVENNER: The prosecution views the
12 document as being totally irrelevant to any issue.
13 It is not harmful, but we do think it would be a
14 needless waste of time to continue to read documents
15 that are irrelevant.

16 THE PRESIDENT: The last document admitted
17 appears to me to have no value at all.

18 MR. TAVENNER: That is the reason we objected
19 to it. We cannot see that it aids or furthers the
20 issues in this case one iota.

21 THE PRESIDENT: By a majority the Court
22 upholds the objection and rejects the document.

23 MR. LOGAN: We offer in evidence defense
24 document 1500-N-5, being a telegram dated May 9,
25 1941, from Laughlin Currie to the President of the

1 United States with respect to aircraft program for
2 China, together with a tentative aircraft program
3 attached thereto, and the reply of President Roosevelt
4 dated May 15, 1941.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: If the Tribunal please, an
7 objection was taken to a similar document yesterday and
8 was sustained. Objection is now made to the intro-
9 duction of this document.

10 THE PRESIDENT: We will give you the benefit
11 of the doubt, Mr. Logan. The objection is overruled
12 and the document admitted on the usual terms. We give
13 you the benefit of every doubt.

14 CLERK OF THE COURT: Part 20 of the official
15 publication entitled "Pearl Harbor Attack" will re-
16 ceive exhibit No. 2850 for identification only; and
17 the excerpt therefrom, bearing defense document
18 No. 1500-N-5, will receive exhibit No. 2850-A.

19 (Whereupon, the document above referred
20 to was marked defense exhibit No. 2850 for iden-
21 tification; and the excerpt therefrom, being
22 document No. 1500-N-5, was marked defense
23 exhibit No. 2850-A and received in evidence.)

24 MR. LOGAN: (Reading) "Excerpts from Hearings
25 before the Joint Committee on the Investigation of

1 the Pearl Harbor Attack - Congress of the United
2 States.

3 "The White House, Washington, May 9, 1941.

4 "Memorandum for the President.

5 "Re: Aircraft Program for China.

6 "After spending a lot of time trying to in-
7 form myself on the general aircraft program and the
8 various factors that have to be borne in mind, I have
9 worked out a tentative program for the balance of this
10 year. I don't think it will disrupt in any signifi-
11 cant degree the Army or British programs and I be-
12 lieve that, though modest, it is probably as large as
13 the Chinese can handle this year. I need not emphasize
14 the actual importance of establishing a decent air
15 force in China, nor the psychological importance of
16 an early determination of a program that the Chinese
17 can count on.

18 "May I proceed to negotiate with the Army
19 and the British on this tentative program with the
20 understanding that while you are prepared to accept
21 modifications in the plan, nevertheless you approve
22 of the general magnitudes involved? This would give
23 me a basis for negotiation.

24 "Signed, Lauchlin Currie."

25 - - - -

1 "May 9, 1941. A Tentative Aircraft Program
2 for China.

3 "The following program is designed to supply
4 China in 1941 with 244 pursuit ships, 122 bombers,
5 340 trainers and 22 transport planes.

6 "1. Pursuit Ships.

7 "a. The British are prepared to release 144
8 air-cooled engine Vultee 48-C's. This force could be
9 replaced and augmented by the release by our Army in
10 the first six months of 1942 of their 147 air-cooled
11 Republic as the more advanced P-47's become available.

12 "b. In order to replace and augment the
13 initial Chinese pursuit force of 100 liquid-cooled
14 Curtiss P-40 now en route, the Army could release
15 100 P40B, as the more advanced P40D's and E's come
16 into production.

17 "This release could be continued in the first
18 half of 1942.

19 "2. Bombers. It is suggested that the Army
20 release 40 of its older B-18 bombers, of which it has
21 258, and which, though slow, are suitable for night
22 bombing. It is further suggested that the Army and
23 the British release from current production 72 bombers
24 up to the end of 1941 according to the following
25 schedules:

1 "3 each monthly from the Army and the British
2 in May, June and July.

3 "4 each monthly in August and September.

4 "5 each monthly in October and November.

5 "6 each in December.

6 "A gradually increasing monthly schedule
7 could then be provided for throughout 1942 to provide
8 for replacements and additions.

9 "3. Trainers. Heavy emphasis should be
10 placed immediately on the creation of a first-class
11 Chinese air force. To this end it is suggested that
12 a group of instructors under the charge of a first-
13 class army flying school officer be sent to China.
14 It is further suggested that 340 advanced and primary
15 trainers be diverted from the production of 7,170
16 scheduled for the army this year. A tentative schedule
17 might be as follows:

18 "May, 20; June, 30; July, 40; August, 50;
19 September, 50; October, 50; November, 50; December, 50.

20 "4. Transport Planes. It is suggested that
21 ten additional B-18's be released by the Army for this
22 purpose and that the twelve DC3's now detailed to Army
23 generals be released. For personal Army transport
24 service here the two-engined Beechcraft, seating six
25 and faster than the DC3's, would appear to be a

1 desirable substitution for DC3's.

2 "The attached tentative program would call
3 for the following schedule of deliveries."

4 I call the Tribunal's attention to the
5 schedule, which shows increased amounts from May to
6 December 1941, and the amount set forth for the first
7 six months of 1942, of pursuit ships, bombers, trainers
8 and transports.

9 - - - -

10 "May 15, 1941. Dear Lauch: It is quite all
11 right to go ahead and negotiate regarding the air
12 program or any other thing that the Chinese request
13 but I don't want to imply that I am at this time in
14 favor of any of the proposals. Obviously that can only
15 be worked out in relationship to our whole military
16 problem and the needs of ourselves and the British.
17 This should be taken up with General Burns and
18 General Arnold.

19 "Very sincerely yours, (Signed) Franklin D.
20 Roosevelt.

21 "The Honorable Lauchlin Currie."

22 We offer in evidence defense document
23 1500-T-4. This document consists of excerpts from
24 the American-Dutch-British conversations held at
25 Singapore April 1941, as reported in the Congressional

1 Investigation of the Pearl Harbor Attack, and sets
2 forth the plans for cooperation militarily and econo-
3 mically. It further discusses support of the Chinese
4 Regular Forces and the organization of subversive
5 activities and sabotage.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, in
8 document 1500-Q-4 which was just rejected, it was
9 endeavored to introduce in evidence the conference at
10 Singapore, of which the present document is the report.
11 Objection is made that this document is equally as
12 irrelevant as the parent document.

13 As a further indication of the irrelevant
14 character of this document, I desire to call to the
15 Tribunal's attention portions of the original which
16 are not copied into the document being presented, in
17 which it was stated, "No political commitment is
18 implied, and any agreement is subject to ratification
19 by the governments concerned."

20 We think that the document is irrelevant and
21 immaterial and should be rejected.

22 MR. LOGAN: This document is offered for the
23 purpose of disproving the prosecution's claim that this
24 was not a provocative war. We intend to prove by
25 this document there was collaboration between American,

1 show that the operation of Chinese guerrilla forces
2 armed and equipped and directed by the Associate
3 Powers, that steps have already been taken by the
4 British Government to organize such operations, and
5 also states with respect to the organization of sub-
6 versive activities, sabotage and corruption in Japan
7 and Japanese-occupied territories, that activities of
8 this kind are already being organized by the British
9 Government.

10 THE PRESIDENT: Organized doesn't mean
11 necessarily put into operation. It means they would be
12 prepared for anything.

13 MR. LOGAN: That would be for the Tribunal to
14 determine.

15 THE PRESIDENT: Well, the whole document is
16 not in evidence yet, is it? I think we would like to
17 know more about it before we decide.

18 MR. LOGAN: This is an excerpt from Investi-
19 gation of Pearl Harbor Attack. Apparently there was a
20 complete report of these conversations, as shown by
21 the first page of our exhibit. It is submitted with
22 the thought in mind it would be for the Tribunal to
23 determine whether or not these acts were compatible
24 with a claim of neutrality or whether they were the acts
25 of a belligerent.

1 Dutch and British in April 1941. We will show by
2 further documents that the conversations going on at
3 that time -- the Japanese had knowledge of them and
4 acted on them later.

5 THE PRESIDENT: Is this a proposal as to what
6 should happen if Japan makes war? We see, here,
7 "Subversive Activities in Japan." If that means
8 activities before the war, we must admit this document.

9 MR. TAVENNER: If the Tribunal please, I
10 arose to make a statement on that point. If I may
11 be permitted to continue, I would like to do so.

12 I failed to read to the Tribunal another
13 section of the original document which is not processed
14 as part of this document which settles the point that
15 your Honor has just mentioned:

16 "Our object is to defeat Germany and her
17 allies and, hence, in the Far East to maintain the
18 position of the Associated Powers against Japanese
19 attack in order to sustain a long-term economic
20 pressure against Japan until we are in a position to
21 take the offensive. Our most important interests in
22 the Far East are the security of sea communications
23 and the security of Singapore."

24 MR. LOGAN: I might refer the Tribunal to
25 paragraphs b and c on page 3 of this report, which

1 show that the operation of Chinese guerrilla forces
2 armed and equipped and directed by the Associate
3 Powers, that steps have already been taken by the
4 British Government to organize such operations, and
5 also states with respect to the organization of sub-
6 versive activities, sabotage and corruption in Japan
7 and Japanese-occupied territories, that activities of
8 this kind are already being organized by the British
9 Government.

10 THE PRESIDENT: Organized doesn't mean
11 necessarily put into operation. It means they would be
12 prepared for anything.

13 MR. LOGAN: That would be for the Tribunal to
14 determine.

15 THE PRESIDENT: Well, the whole document is
16 not in evidence yet, is it? I think we would like to
17 know more about it before we decide.

18 MR. LOGAN: This is an excerpt from Investi-
19 gation of Pearl Harbor Attack. Apparently there was a
20 complete report of these conversations, as shown by
21 the first page of our exhibit. It is submitted with
22 the thought in mind it would be for the Tribunal to
23 determine whether or not these acts were compatible
24 with a claim of neutrality or whether they were the acts
25 of a belligerent.

1 THE PRESIDENT: Of course, a short answer is
2 that they were done in pursuance of treaty obligations.
3 But that has to be established, of course.

4 MR. LOGAN: If they were done pursuant to
5 any treaty obligation, then at that time they must
6 have been an enemy of Japan.

7 THE PRESIDENT: I am referring to China,
8 the Four-Power Pact, the Brussels Conference, the
9 Pact of Paris -- The Nine-Power Pact, I should say.
10 And there is nothing in this to show that these steps
11 were to be taken before the war except in regard to
12 China.

13 However, we had better not debate this matter
14 at this time except so far as is necessary for our
15 decision on this piece of evidence that is offered.
16 We should like to see the whole document to make sure
17 whether or not this refers to activities before or
18 after war made by Japan.

19 MR. TAVENNER: If the Tribunal please,
20 these excerpts were handed to us in the course of the
21 introduction of documents this morning, and we did
22 not like to delay the matter as we may have done.
23 But there is another provision in the original which,
24 if read, will settle any possible question about the
25 point that your Honor has raised, and I suggest that

1 we turn the original over to the Tribunal so that a
2 final ruling can be made on this document now rather
3 than to postpone it to another time.

4 THE PRESIDENT: We are about to take a
5 recess. You consider it during the recess and the
6 Tribunal will.

7 We will recess for fifteen minutes.

8 (Whereupon, at 1050, a recess was
9 taken until 1110, after which the proceedings
10 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The Tribunal is indebted to
4 you, Mr. Logan, and to you, Mr. Tavenner, for the
5 exhibits before the Joint Committee on the Pearl
6 Harbor Attack, on page 1,557. It bears on the docu-
7 ment last tendered and shows that the conditions
8 apply only in the event of a state of war between
9 Germany, Italy, and Japan, on the one hand, and the
10 British Empire with its present Allies and the
11 United States, on the other; that no political
12 commitment is implied and that any agreement is
13 subject to ratification by the respective govern-
14 ments.

15 However, you are relying on the words,
16 "have taken steps to organize in relation to China,"
17 and, "being organized in relation to Japan."

18 MR. LOGAN: I might say, if the Tribunal
19 please, that with respect to this particular evidence
20 we are showing what was done at these conversations
21 and that later on in the military phase of this case,
22 evidence will be produced and offered to the Tribunal
23 on the carrying out of these objectives.

24 THE PRESIDENT: The objection is overruled
25 and the document admitted on the usual terms.

1 CLERK OF THE COURT: The official publication
2 entitled, "Pearl Harbor Attack," will receive exhibit
3 No. 2851 for identification only, and the excerpt
4 therefrom, being defense document No. 1500-T-4,
5 will receive exhibit No. 2581-A.

6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 2851 for identification, the excerpt
9 therefrom being marked defense exhibit
10 No. 2851-A and received in evidence.)

11 MR. TAVENNER: If the Tribunal please, in
12 view of the decision to admit the document, the
13 prosecution feels that the omitted portions are of
14 such importance that they should be copied into the
15 transcript.

16 THE PRESIDENT: The part I read from the
17 introduction will be in the transcript and is con-
18 ceded by both sides, I take it.

19 MR. TAVENNER: Yes.

20 MR. LOGAN: We have no objection to that.
21 We will be glad to incorporate that as part of our
22 exhibit.

23 This is an "Excerpt from Exhibit No. 50 of
24 the Joint Committee on the Investigation of the Pearl
25 Harbor Attack - Congress of the United States.

1 "MOST SECRET

2 "AMERICAN - DUTCH - BRITISH CONVERSATIONS

3 "SINGAPORE, APRIL, 1941

4 "(Short Title - 'A.D.B.')

5 "REPORT

6 "IV - ACTION OPEN TO THE ASSOCIATED POWERS.

7 "28. To ensure that we are not diverted from
8 the major object of the defeat of Germany and Italy,
9 our main strategy in the Far East at the present time
10 must be defensive. There are, however, certain
11 measures open to us which will assist greatly in
12 the defence of our interests in the Far East, but
13 which are themselves offensive.

14 "29. It is important to organise air
15 operations against Japanese occupied territory and
16 against Japan herself. It is probably that her
17 collapse will occur as a result of economic blockade,
18 naval pressure and air bombardment. This latter form
19 of pressure is the most direct and one which Japan
20 particularly fears.

21 "In addition to the defensive value of
22 operation submarine and air forces from Luzon, re-
23 ferred to in pars. 21 above there is even greater
24 value from the offensive point of view in holding
25 this island. It is therefore recommended that the

1 defence of Luzon should be strengthened and that every
2 effort should be made to maintain a bombing force in
3 the island in addition to building up a similar force
4 in China.

5 "30. Other positive activities which may be
6 undertaken are as follows:

7 "(a) Support to the Chinese Regular Forces
8 by financial aid and provision of equipment.

9 "(b) Operation of Guerillas in China.

10 "(c) Organisation of subversive activities
11 in Japan.

12 "31. So far as economic pressure is con-
13 cerned, the entry of the United States of America,
14 the British Empire, and the Netherlands East Indies
15 into a war against Japan would automatically restrict
16 Japanese trade to that with the coast of Asia. Since
17 China will be in the war against her, and our sub-
18 marine and air forces should be able to interfere
19 considerably with trade from Thailand and Indo-
20 China, a very large measure of economic blockade
21 would thus be forced upon Japan from the outset.
22
23
24
25

1 "VII - PLAN FOR EMPLOYMENT OF LAND AND AIR
2 FORCES (continued)

3 "OTHER OPERATIONS.

4 "78. (a) Support to Chinese Regular Forces
5 by financial aid, provision of equipment and establish-
6 ment of military and air missions. A British nucleus
7 Mission is already established, and a United States
8 Mission possible combined with the British Mission
9 would be of considerable value, and it is recommended
10 that preparations to establish it should now be made.

11 "(b) The operating of Chinese Guerilla
12 Forces armed, equipped and directed by the Associated
13 Powers. Steps have already been taken by the British
14 Government to organise such operations. It is recommended
15 that the United States Government organise similar
16 guerilla forces.

17 " (c) The organisation of subversive
18 activities, sabotage and corruption in Japan and
19 Japanese occupied territories. Activities of this
20 kind are already being organised by the British Govern-
21 ment. It is recommended that the United States Govern-
22 ment should also undertake such activities and co-
23 ordinate them closely with those of the British."
24

25 We now offer in evidence defense document
1739. This is a document compiled by the First Section,

1 Bureau of American Affairs of the Japanese Foreign
2 Office dated April 16, 1941 on the formation of the
3 anti-Japanese encirclement by Great Britain, the
4 United States and the Netherlands. It is a compilation
5 of information received by the Foreign Office from
6 various sources for the information of the Foreign
7 Office and is marked "Strictly Confidential."

8 THE PRESIDENT: Mr. Comyns Carr.

9 MR. COMYNS CARR: May it please the Tribunal,
10 this document, in our submission would become material
11 if and when any one of the accused swears that he saw
12 it and that it influenced his mind in deciding to make
13 the attack upon the Allies in December, 1941. Until
14 that is done, it is, in our submission, irrelevant
15 and has no probative value. It is, according to the
16 certificate, compiled from reports of Japanese Foreign
17 Office officials stationed abroad and news reports
18 from papers supplied by news agencies. It has, there-
19 fore, no probative value as to the truth of the state-
20 ments of fact contained therein.

21 There is, further, a confusion as to the date
22 of it. The title page contains the date "April, 1941";
23 the certificate, however, declares that it was compiled
24 and issued -- it doesn't say to whom -- in July, 1941.

25 The document itself, as supplied to us, is in

1 a hopeless state of confusion as to the order of
2 pages. It appears to contain a supplement, the title
3 of which is to be found on page 53, although what are
4 evidently parts of it are scattered about amongst pages
5 of the main document.

6 The supplement consists of extracts from
7 speeches, mostly Japanese, but some of them American,
8 which are mere repetition and, in our submission, in
9 any case irrelevant.

10 But, our main submission is that the whole
11 document should be withheld until some accused swears
12 to it. There was a suggestion yesterday that that
13 course would involve more time than tendering it now.
14 That is a fallacy, because if no accused ever swears
15 to it, the document will have no materiality at all.
16 If one of them does, it can then be put in when he
17 has done so and any accused giving evidence later, who
18 wishes to rely upon it, will only need to refer to it
19 in just the same way as if it had been put in at the
20 present time. We ask that that course should be
21 taken and that meanwhile the document should be put
22 into proper order and the discrepancy and date cleared
23 up.
24
25

1 PRESIDENT: Mr. Logan.

2 MR. LOGAN: This document is being submitted
3 at this time as being relevant to the question of the
4 information which the Japanese government had and on
5 which it acted. It is an official document of the
6 Japanese government, and admissible under Article
7 13c(1) of the Charter.

8 THE PRESIDENT: The course suggested by
9 Mr. Comyns Carr fully protects you, Mr. Logan.

10 MR. LOGAN: The Tribunal inquired -- yester-
11 day, I believe it was -- as to what information the
12 Japanese government had, on which they acted, as
13 to whether it was newspaper reports, etc. This is
14 one of those documents.

15 THE PRESIDENT: But the question is, when
16 to use this document. It should be admissible.

17 MR. LOGAN: Well, this is on the general
18 phase, and for this reason this type of evidence
19 should go in on the general phase.

20 THE PRESIDENT: It is only in the general
21 phase that you give the evidence that establishes the
22 facts in relation to war; on the individual phase
23 you give the facts which influenced the determina-
24 tion of the individual as well. And this document
25 would appear to fall in the latter class.

1 MR. LOGAN: It seems to me, if your Honor
2 please, that this would fall into both classes, be-
3 cause it is inconceivable that the Japanese govern-
4 ment was not accumulating its facts, and I think it
5 is important for the Tribunal to know just what in-
6 formation they had; and, further, it is inconceivable
7 both that these accused, or some of them, did not act
8 on some official document of the government, and this
9 would be one of them. I think that now would be the
10 time to receive it. It would save a great deal of
11 time later on, if the accused did use it, to refer
12 to this particular document; that is all.

13 THE PRESIDENT: Well, I don't think any of
14 us want to reject it. It is the thought of the
15 majority to let it in at the right stage, and I
16 think the majority are of the opinion that the
17 right time to let the document come in is when
18 some individual connected with it claims to have
19 acted on it.

20 MR. LOGAN: Well, that is eminently fair,
21 if the Tribunal please, but could we mark it as an
22 exhibit now and refer to it in individual cases?

23 THE PRESIDENT: I think the majority would
24 prefer you to withdraw it and hold it until an indiv-
25 idual says he acted on it.

1 MR. LOGAN: Of course, I am willing to go
2 along with the Tribunal's position except that I
3 think that for the chronological order in which
4 this evidence is taken I think it right that it should
5 be read. However, if it is not read at this time,
6 we have had a full argument and I think it should
7 be accepted as an exhibit, so that we can refer to
8 it later on in individual cases.

9 THE PRESIDENT: Well, it needs to be tidied
10 up, in any event, Mr. Logan.

11 MR. LOGAN: Yes, there are a few pages
12 that need to be tidied up, but that can easily be
13 done.

14 THE PRESIDENT: It is rejected now, but
15 without prejudice to you, for submission later. If
16 tendered later on behalf of an individual accused
17 it will be acted upon.

18 MR. LOGAN: We offer in evidence defense
19 document 1482, being a Top Secret Report issued by
20 the Foreign Office of the Japanese Government on the
21 Anglo-American policy of encirclement as against
22 Japan in the Southern Pacific Ocean, dated July 1941."

23 INTERPRETER: Mr. Logan, I don't think the
24 document which you read was in the order of proof.
25 We don't have the running commentary.

1 MR. LOGAN: This is one I withdrew from the
2 last section. Do you want me to read that over again?

3 INTERPRETER: Thank you, sir.

4 MR. LOGAN: It is also on this order of
5 proof.

6 INTERPRETER: Mr. Logan, will you please
7 read it over again?

8 MR. LOGAN: We offer in evidence defense
9 document 1482, being a Top Secret Report issued by
10 the Foreign Office of the Japanese Government on
11 the Anglo-American policy of encirclement against
12 Japan in the Southern Pacific Ocean, dated July 1941."

13 THE PRESIDENT: Mr. Comyns Carr.

14 MR. COMYNS CARR: May it please the Tribunal,
15 this is a document of exactly the same kind as the
16 last one, although free from the confusions in the
17 last document, and it is objected to for the same
18 reasons, and we ask that it be dealt with in the
19 same way .

20 MR. LOGAN: I believe that this should be
21 read now, your Honor. I think the Tribunal should
22 know this particular information at this particular
23 time. It would be very difficult for the Tribunal
24 to try and evaluate what happened after the date of
25 this document unless it knew what went on before,

1 and this is just a part of that picture. How did
2 the Japanese Government -- the officials in the Jap-
3 anese Government -- view these acts, and what reports
4 were made to them, and what did they do about it. It
5 is all in these reports.

6 THE PRESIDENT: We give the same decision
7 as on the last document; It is rejected for the time
8 being. That is a majority decision, and it is the
9 same as the decision on the last document.
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1 MR. LOGAN: We offer in evidence defense
2 document 1500-W-4. This is an excerpt dated May
3 10, 1941, from the Pearl Harbor investigation, and
4 contains matters relative to United States aid to
5 China, together with a dispatch from Chiang Kai
6 Shek to the President of the United States.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,
9 the prosecution objects to this document, which is
10 one of the 1500 series from the Pearl Harbor report
11 and therefore not within the knowledge of any of the
12 accused until after the event. Moreover, it is mere-
13 ly an argument by General Chiang Kai Shek and by
14 Doctor Hornbeck in favor of a certain course of ac-
15 tion with regard to air force in China. There was a
16 similar one rejected yesterday on the same grounds.

17 MR. LOGAN: There was a more pertinent one
18 accepted this morning, the same type of document, and
19 this is a follow-up of the one accepted this morning.

20 THE PRESIDENT: This morning we admitted a
21 document, it being a memorandum by Mr. Currie for the
22 President, recommending a certain course, followed
23 by the President's opinion. This is in a different
24 category. This is a memorandum by Mr. Currie to the
25

1 President, forwarding a representation by the Chinese
2 leader and without any note of any action by the
3 President.

4 MR. LOGAN: That is correct, but it is a
5 follow-up of the previous one in so far as the furn-
6 ishing of airplanes, and so forth, are concerned,
7 and that that actually was done will be shown by
8 later evidence.

9 THE PRESIDENT: We won't prevent you from
10 showing what aid was given to China by the United
11 States, Mr. Logan, and that ought to be sufficient.

12 By a majority the objection is sustained
13 and the document rejected.

14 MR. LOGAN: We next offer in evidence a por-
15 tion of defense document 401(47), which is a further
16 excerpt from defense document 401.

17 This shows that in May, 1941, President
18 Roosevelt proclaimed an unlimited national emergency
19 in the light of the world situation and the further
20 shaping of United States policy in World War II
21 while it was still allegedly a neutral. We offer
22 only the paragraph beginning at the bottom of page 2
23 and continuing on to page 3 and the first sentence in
24 the last paragraph of the document.
25

THE PRESIDENT: Mr. Comyns Carr.

1 MR. COMYNS CARR: May it please your Honor,
2 the prosecution does not object to the paragraph at
3 the bottom of page 2, which states a matter of fact.
4 I presume that is to end with that paragraph as it
5 finishes on page 3. In my submission, the sentence
6 in the last paragraph is irrelevant, but, if the
7 Tribunal please, we wouldn't very much press that.

8 THE PRESIDENT: Admitted to the extent
9 that Mr. Logan proposes to read it.

10 CLERK OF THE COURT: Defense document 401(47)
11 will receive exhibit No. 2852.

12 (Whereupon, the document above referred
13 to was marked defense exhibit 2852 and received
14 in evidence.)

15 MR. LOGAN: I will read from exhibit 2852:
16 "SECRETARY HULL'S ADDRESS OF APRIL 24, 1941.
17 "UNLIMITED NATIONAL EMERGENCY.

18 "On May 27, 1941, President Roosevelt pro-
19 claimed the existence of an 'unlimited national emer-
20 gency', and in a radio address on the same day he out-
21 lined the policy of the United States in the light of
22 developments in the world situation. In this address
23 the President declared that our whole program of aid
24 for the democracies had been 'based on a hard-headed
25 concern for our own security and for the kind of safe

1 and civilized world in which we wish to live'; that
2 every dollar of material we sent helped to keep the
3 dictators away from our own hemisphere; that every
4 day they were held off gave us time to build more
5 guns and tanks and planes and ships."

6 And the first sentence in the last paragraph:

7 "We in the Americas would decide for our-
8 selves, the President said, whether and when and
9 where our American interests were attacked or our
10 security threatened."

11 We offer in evidence defense document 1500-R-4,
12 which is an excerpt from the testimony of Admiral
13 Richard Kelly Turner, who was Chief of the War Plans
14 Section in the Office of Chief of Naval Operations.
15 It contains a brief resume of the conferences that were
16 held between the American authorities and the British
17 and the Dutch relative to war plans against Japan
18 prior to December 7, 1941.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: May it please the Tribunal,
21 in our submission this document referring to these
22 conferences is objectionable on the same grounds on
23 which we have objected to all the other documents in
24 the 1500 series. However, as the Tribunal has accep-
25 ted the excerpt from exhibit 50 of the Pearl Harbor

1 Inquiry, which is mentioned in the latter half of
2 page 1 of this document, perhaps we should not object
3 to that part of it beginning with the words "the next
4 conference," about half way down the page.

5 THE PRESIDENT: Beginning with the words
6 "the next conference" and ending where, Mr. Comyns
7 Carr?

8 MR. COMYNS CARR: Your Honor, I think it
9 continues to the end of the document.

10 MR. LOGAN: We are presenting the entire
11 document so that the Tribunal can get the entire
12 picture.

13 THE PRESIDENT: Mr. Carr, before you finally
14 decide on this you might read the second last para-
15 graph, numbered 5122:

16 "In none of these papers was there ever a
17 political commitment, or a definite military commit-
18 ment. This was a plan of action, or these were plans
19 of action based on assumptions that should the United
20 States enter the war, then these papers would be
21 effective, provided they were approved by the proper
22 authorities."

23 We will continue on this matter after the
24 adjournment. We will adjourn until 1:30.

25 (Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

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The Tribunal met, pursuant to recess,
at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Quoting the last paragraph,
Mr. Comyns Carr, "None of the ADB papers were ever
presented to the Secretary of the Navy or the
Secretary of War or to the President," although all
of those people were aware that the conversations
were being held.

MR. COMYNS CARR: Your Honor, it may well
be that if the attention of the Tribunal had been
called to those paragraphs of this document at the
time when exhibit 50 was submitted, exhibit 50
would not have been allowed in evidence in this
case, but as it has been admitted we thought it de-
sirable that this information should be before the
Tribunal now, and that is why we did not object to
this part of that document.

THE PRESIDENT: The document is admitted
to the extent that it is not objected to.

MR. LOGAN: If the Tribunal please, I have
not had an opportunity to speak on this. I am

1 offering the entire document for all the informa-
2 tion contained in it. I have no desire to conceal
3 anything from the Tribunal. I knew this document
4 was in existence at the time I offered the previous
5 one.

6 The first part of this document also refers
7 to this same conversation and some more explanation
8 in connection with it, and I might call the
9 Tribunal's attention to the fact that later evidence
10 will be introduced to show that these conversations
11 subsequently became part of and were incorporated
12 in "Rainbow Plan" No. 5WPL46, and on the broader
13 proposition, if the Tribunal please, I think this
14 evidence is now tending to turn on the point of when
15 defensive operations turn into offensive operations.

16 I have offered it to present the entire
17 picture to the Tribunal.

18 THE PRESIDENT: The document is admitted
19 to the extent not objected to, by a majority.

20 CLERK OF THE COURT: Part 4 of the official
21 publication entitled "Pearl Harbor Attack" will re-
22 ceive exhibit No. 2853 for identification only, and
23 the excerpt therefrom, bearing defense document
24 No. 1500-R-4, will receive exhibit No. 2853-A.
25

1 (Whereupon, Part 4 of the official
2 publication entitled "Pearl Harbor Attack"
3 was given exhibit No. 2853 for identification
4 only; the excerpt therefrom, bearing defense
5 document No. 1500-R-4, was given exhibit No.
6 2853-A and received in evidence.)

7 MR. LOGAN: I shall read exhibit 2853-A,
8 that part admitted in evidence:

9 "Excerpt from testimony of Admiral Richmond
10 Kelly Turner - Thursday, December 20, 1945."

11 "Nothing very definite came out of that
12 conference.

13 "The next conference--and on which there
14 is another letter directing that this conference
15 be held, and a letter or a dispatch from the
16 British Chiefs of Staff concerning the conference--
17 was held in Singapore about the 19th of April, 1941.
18 Out of that conference was evolved the ADB paper
19 which is here, and which the counsel has just
20 produced.

21 "Mr. MITCHELL: That is exhibit 50.

22 "Admiral TURNER: That paper contained a
23 lot of objectionable features, and the Chief of Naval
24 Operations and Chief of Staff in the Army, on July
25 3, 1941, in a letter to the British Joint Staff

1 Mission here, rejected that paper in toto and re-
2 requested that additional instructions be issued, so
3 that we could get another agreement.

4 "In brief, the objections were two: First,
5 there were some political implications in the paper
6 which were not acceptable to us, and one of them
7 was this deadline down in the South China Sea and
8 Gulf of Siam. The other objection (5119) was that
9 the plan was not very realistic and did not seem to
10 advance in many respects the possible cooperative
11 effort between the different countries.

12 "Mr. MITCHELL: Excuse me for interrupt-
13 ing you, but that document that the Admiral just
14 referred to, dated July 3, 1941, from the Chief of
15 Naval Operations and Chief of Staff of the British
16 rejecting this Singapore proposal has already been
17 introduced in evidence as exhibit 65.

18 "Go ahead, Admiral.

19 "Admiral TURNER: As a result of that rejec-
20 tion, and after considerable conversations between
21 our representatives and the British representatives
22 here in Washington, the British Chiefs of Staff
23 produced a paper which was a proposal for a draft
24 of an agreement, and which had the title 'ADB-2.'
25

1 The date of that is August, 1941. That paper was
2 not entirely acceptable but was closer to our ideas.

3 "Negotiations on the basis of that draft
4 agreement were proceeding rather slowly, until the
5 arrival of Admiral Phillips, the new British Far
6 Eastern Commander in Singapore, in November. Admiral
7 Phillips and some staff officers went to Manila and
8 had conferences there with our authorities, chiefly
9 Admiral Hart, and Admiral Hart on the 6th of
10 December, his date, which would have been the 5th
11 here, sent a dispatch to us concerning arrangements
12 which he had made with Admiral (5121) Phillips as
13 to command, and so on, in the war which then was
14 coming, within a day or two.

15 "That agreement, with some slight modifica-
16 tions and remarks, was approved by the Chief of Naval
17 Operations, it being only a naval agreement, on the
18 7th of December, and the dispatch went out on
19 the 8th.

20
21 "In none of these papers was there ever a
22 political commitment, or a definite military commit-
23 ment. This was a plan of action, or these were
24 plans of action based on assumptions that should
25 the United States enter the war, then these papers
would be effective, provided they were approved by

the proper authorities.

1 "None of ADB papers were ever presented to
2 either the Secretary of the Navy, or the Secretary
3 of War, or to the President, although all of those
4 officers as well as the Secretary of State were
5 aware that these conversations were being held from
6 time to time."

7 At this time, if the Tribunal please, I
8 wish to read one document out of order. It is
9 No. 133 on the list, 1500-K-5 -- at least, offer it.
10

11 We offer in evidence defense document
12 1500-K-5 which is an excerpt from the testimony
13 of Major General Sherman Miles before the
14 Congressional Investigating Committee on November
15 29, 1945, relating to military cooperation with the
16 British and Chinese prior to Pearl Harbor.

17 I might say that in addition to offering
18 the entire document, the reason I took it out of
19 turn was for the last paragraph on the second page
20 because I intend to offer further documents with
21 respect to the testimony of General Miles, and this
22 document shows how and from where he obtained his
23 information.

24 THE PRESIDENT: Mr. Comyns Carr.

25 MR. COMYNS CARR: May it please the Tribunal,

1 this is one of the 1500 Pearl Harbor Investigation
2 series, and in addition to all the other objections
3 to those documents, it is objectionable because it
4 discloses nothing more than the organization, inter-
5 nal organization of the Military Intelligence
6 Division of the United States General Staff. In my
7 submission, it is wholly useless.

8 MR. LOGAN: From the statement made by the
9 prosecutor, it is my contention that it is relevant
10 for the reasons set forth, that it shows from where
11 Major General Miles got his information, how it
12 was obtained, etc., and it is important in view of
13 the subsequent documents which will be offered
14 showing that information which he received and
15 transmitted to Washington and the various officials
16 there.

17 This document also shows how General
18 Miles' information was -- the reports were distri-
19 buted and how they were used.

20 THE PRESIDENT: But every country has these
21 intelligence services. There is nothing peculiar
22 about this.

23 MR. LOGAN: Except that it shows from
24 where he got his information, and it will bear
25 weight with the Tribunal as to the reliability of

1 the information which he received. And it shows
2 cooperation between the British and the American
3 intelligence services.

4 THE PRESIDENT: By a majority the objection
5 is sustained and the document rejected.
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1 MR. LOGAN: We offer in evidence defense
2 document 1500-A-3. This is an excerpt from strategic
3 estimates of the military situation in the Pacific
4 issued by Brigadier General Sherman Miles, Assistant
5 Chief of Army Intelligence, which shows concentration
6 of British troops in the Far East as of July 11, 1941.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: Prosecution objects to this
9 document as entirely irrelevant even assuming the in-
10 formation to be accurate. The second paragraph in the
11 excerpt is merely General Miles' opinion as to objects
12 which the British command entertained in its mind.

13 MR. LOGAN: The prosecution, of course, has
14 just raised the question I anticipated they would
15 raise as to the accuracy of the information they re-
16 ceived which I endeavored to show would be accurate
17 from the Intelligence Service which General Miles had
18 through the previous document.

19 THE PRESIDENT: There is a little passage
20 under the heading, "British Empire," you have not
21 referred to. Are you pressing it for that purpose?

22 MR. LOGAN: That is part of the report which
23 he submitted.

24 THE PRESIDENT: That is very vague. Britain
25 was then fighting Germany but not Japan. This may

1 refer to conditions operating after the war.

2 MR. LOGAN: No, this is dated May, 1941.

3 THE PRESIDENT: Yes, but in contemplation
4 of a war taking place between Japan and Britain.

5 It seems to me too vague to be of any assistance.

6 MR. LOGAN: That (5) following (4) indicates
7 that it does not refer to Germany.

8 THE PRESIDENT: By a majority the objection
9 is sustained and the document rejected.

10 MR. LOGAN: We offer in evidence defense
11 document 1500-C-3. This is an excerpt from an
12 Intelligence Estimate prepared by the United States
13 War Department on July 17, 1941 reciting the pertinent
14 facts relative to the Japanese army at that time.

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: May it please your Honor,
17 this, as it appears from the last two lines, the only
18 material part of it is merely General Miles' opinion
19 as to the objects or wisdom of Japanese action. In
20 our submission General Miles' opinion is irrelevant.

21 THE PRESIDENT: The Tribunal will not allow
22 Brigadier General Miles to decide these matters for us.

23 MR. LOGAN: It is not offered for that purpose.
24 It is offered for the purpose of showing the information
25 transmitted to the Chief of Staff, the highest naval

1 authority in the United States, by the man charged
2 with that duty, head of the Military Intelligence
3 Estimates. It shows the information that was given
4 to the United States by responsible officers with
5 respect to what was transpiring. It is offered for
6 that purpose. The United States government like any
7 other government acts through its agents. It is a
8 task too great for any one man to perform and those
9 responsible must rely on information furnished them by
10 persons charged with obtaining the information. The
11 statements made by high military officials of the
12 United States are just as material for the determina-
13 tion of this Court as the actions taken by the United
14 States, as statements made by these accused or any one
15 under them were in the prosecution's case to have the
16 Court determine the effect of the actions that were taken
17 by Japan.

18 MR. COMYNS CARR: Your Honor, in our submis-
19 sion if that is the ground on which this document is
20 pressed it shows a complete misapprehension of the
21 issues before this Tribunal.

22 THE PRESIDENT: By a majority the objection
23 is sustained and the document rejected.

24 MR. LOGAN: We offer in evidence defense
25 document 1500-B-3, the one just before C-3. This is

1 an excerpt from military intelligence estimate
2 prepared by Brigadier General Sherman Miles, dated
3 17 July 1941, characterizing Japanese movement into
4 French Indo-China as strategically defensive in
5 character and designed primarily to prevent British
6 and American influence from shutting off supplies
7 badly needed by Japan.

8 MR. COMYNS CARR: May it please the Tribunal,
9 prosecution objects to this document even more strongly
10 than to the last. On its face it is nothing but an
11 opinion and an opinion which subsequent events showed
12 to be inaccurate. Whether it was accurate or not it
13 is only an opinion and for that reason in our submission
14 inadmissible.

15 THE PRESIDENT: There is a bit of confusion
16 here. We are being given documents with the wrong
17 numbers. We must rectify that at once. B-3 was
18 rejected. We are being offered C-3; we are considering
19 C-3.

20 MR. LOGAN: B-3 is the one that is being
21 offered now. It was taken out of turn, your Honor,
22 by mistake. I inadvertently took the wrong paper here.

23 THE PRESIDENT: We all read B-3. We heard
24 what was said by both sides about it and we rejected
25 it. We are now considering C-3. It seems to be in

1 the same position.

2 By a majority the objection is sustained and
3 the document rejected.

4 MR. LOGAN: Sherman Miles, Brigadier General,
5 United States Army, advised the Chief of Staff on
6 July 18, 1941 of the change in cabinet in Japan and
7 commented on the deplorable condition of Japan's
8 foreign trade and internal economy. This memorandum
9 is contained in defense document 1500-D-3 which is
10 offered in evidence.

11 THE PRESIDENT: Mr. Comyns Carr.

12 MR. COMYNS CARR: May it please the Tribunal,
13 the prosecution objects to this document. The informa-
14 tion in paragraph 1 is already before the Tribunal as
15 to the new ministers and the rest of it is merely
16 General Miles' opinion about the characters and prob-
17 able policy of the members of that government.

18 THE PRESIDENT: By a majority the objection
19 is sustained and the document rejected.

20 MR. LOGAN: We next offer in evidence defense
21 document 401(51), a further excerpt from the official
22 publication entitled "Peace and War." This shows that
23 in August 1941 President Roosevelt and Prime Minister
24 Churchill met at sea and examined the problem of
25 supplying munitions of war under the Lend-Lease Act

1 to belligerent countries.

2 THE PRESIDENT: I think we will take judicial
3 notice of this one. Is there any objection to it?

4 MR. COMYNS CARR: Your Honor, I was only
5 going to remark that if the defense agrees that Japan
6 was one of the countries engaged in the aggression
7 which was to be resisted then I should not oppose the
8 admission of this document.

9 MR. LOGAN: I can only say that I am quite
10 sure that remark was intended to be facetious.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 401(51)
13 will receive exhibit No. 2854.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 2854 and received in evidence.)

17 MR. LOGAN: I shall read exhibit 2854:

18 "Atlantic Charter -- President Roosevelt and
19 Prime Minister Churchill met at sea in August 1941.
20 At this conference they examined the whole problem of
21 the supplying of munitions of war, as provided by the
22 Lend-Lease Act, for the armed forces of the United
23 States and for the countries actively engaged in
24 resisting aggression."
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1 We next offer in evidence defense document
2 401(52), which shows that President Roosevelt and
3 Prime Minister Churchill issued on August 15, 1941
4 the joint message to Stalin regarding the active
5 aid to be given to the Soviet Union which was then
6 engaged in war with Germany.

7 THE PRESIDENT: Mr. Comyns Carr.

8 MR. COMYNS CARR: May it please the Tribunal,
9 my friend's own description of this document shows it
10 has nothing whatever to do with this case, and I ask
11 that it be rejected.

12 MR. LOGAN: It has this bearing on this case:
13 that Japan has always considered Russia in the light
14 that there might possibly be an attack from her at
15 any time, and in that particular period of time the
16 success of the five-year plan was apparent, and Japan --

17 THE PRESIDENT: If we admit this we must
18 admit every other document affecting Germany.

19 MR. LOGAN: No, I am trying to explain that
20 we are not offering it for the effect it might have
21 on Germany. It is being offered for this Tribunal
22 to determine just what effect this aid to Russia
23 had on Japan with respect to its interpretation of
24 the encirclement that was going on and the necessity
25 for Japan to fight a defensive war for self-

1 preservation.

2 THE PRESIDENT: The objection is sustained
3 and the document is rejected by a majority.

4 MR. LOGAN: We offer in evidence defense
5 document 1500-C-3. This is a top secret dispatch
6 dated August 14, 1941 from the United States Office
7 of Naval Operations to commanders in the Pacific
8 reciting a curtailment of Japanese trade and shipping
9 as a direct result of United States, British and Dutch
10 interference.

11 THE PRESIDENT: Mr. Comyns Carr.

12 MR. COMYNS CARR: May it please your Honor,
13 in our submission this document is irrelevant and
14 adds nothing to the information already before the
15 Tribunal.

16 MR. LOGAN: This time it will also show, if
17 the Tribunal please, that the resumption of the
18 shipping services ~~was indefinite as a result~~
19 of the United States, British, and Dutch pressure
20 through refusal of transit of Panama Canal.

21 THE PRESIDENT: In accordance with our earlier
22 decisions dealing with these matters, this is admitted
23 tentatively.

24 CLERK OF THE COURT: Defense document 1500-0-3
25 will receive exhibit No. 2855.

(Whereupon, the document above referred to was marked defense exhibit No. 2855 and received in evidence.)

MR. LOGAN: I shall read exhibit 2855.

"14 August 1941, from OPNAV, Top Secret.

"Indications that orange ships formerly in North Atlantic and those on South Atlantic routes returning Japan via Magellan comma 4 tankers only vessels on Pacific coast, none enroute to USA, none North Atlantic, estimated 17 west coast of South America, none Los Angeles to Panama. Japanese rapidly completing withdrawal from world shipping routes. Scheduled sailings cancelled and majority ships in other than China and Japan seas areas homeward bound. Resumption of shipping services indefinite result of USA, British and Dutch pressure through refusal of transit of Panama Canal, export control restrictions, refusal of bunkering and port facilities and fund freezing."

We offer in evidence defense document 1500-F-3. This is a memorandum for the Chief of Staff prepared by Military Intelligence of the War Department, Washington, D. C., dated August 16, 1941, and contains a resume of the critical results of the action taken by the United States, Great Britain and

1 the Dutch against Japan as of that date. Copies
2 of this document were distributed to the President,
3 Secretary of War, Assistant Secretary of War, and the
4 Chief of Staff.

5 THE PRESIDENT: Mr. Comyns Carr.

6 MR. COMYNS CARR: May it please the Tribunal,
7 the prosecution objects to this document. It is
8 merely the same sort of document as the Tribunal
9 has already several times rejected from General Miles.
10 The paragraph numbered 3 is merely a resume of his
11 opinion of the situation, not affecting Japan particu-
12 larly but affecting the whole world. Paragraphs num-
13 bered 5 and 6 are merely his opinion about the deduc-
14 tions to be drawn from the known facts about the state
15 of affairs in Japan.

16 MR. LOGAN: This definitely shows that General
17 Miles, based on intelligence reports submitted to him,
18 made a report which was distributed to the President,
19 Secretary of State, Assistant Secretary of State, and
20 Chief of Staff. I can't imagine any government keep-
21 ing a man of General Miles' standards in office unless
22 they were assured that the reports he was making were
23 accurate.
24

25 I believe this document is material to the
issue as drawn by the prosecution as to whether or not

1 this was an aggressive war. I might say also that
2 there was considerable doubt as shown by the prosecu-
3 tion's evidence as to whether or not Japan was sincere
4 in what she was saying and doing. This is evidence
5 that she was. This is a statement made by a high,
6 responsible United States official at a time when
7 he would make no statement other than the truth as
8 he saw it.

9 THE PRESIDENT: The objection is sustained
10 and the document rejected by a majority.

11 MR. LOGAN: We offer in evidence defense
12 document 1500-G-3. This is a military estimate
13 prepared by G-2, War Department, Washington, D. C.,
14 reciting American aid to China at a time when the
15 United States was a neutral and revealing concern
16 over the existing relations between Japan and the
17 United States.

18 THE PRESIDENT: Mr. Comyns Carr.

19 MR. COMYNS CARR: May it please the Tribunal,
20 this is another opinion by General Miles on the best
21 steps to be taken to improve morale in China. In our
22 submission it is irrelevant and objectionable from
23 every possible viewpoint.

24 MR. LOGAN: All that I have said with respect
25 to the previous documents issued by General Miles

1 applies with equal force here.

2 THE PRESIDENT: The objection is sustained and
3 the document rejected by a majority.

4 MR. LOGAN: On September 2, 1941, Sherman
5 Miles, Brigadier General, United States Army, made
6 a memorandum for the United States Chief of Staff of
7 a conversation he had with Major General Saburo ISODA
8 about various matters including the fact that due to
9 the restrictions imposed by the United States on the
10 exportation of oil to Japan, the Japanese already
11 found it necessary to draw on their oil reserves.
12 This memorandum is set forth in defense document
13 1500-H-3, which is offered in evidence.

14 THE PRESIDENT: Mr. Comyns Carr.

15 MR. COMYNS CARR: May it please your Honor,
16 the prosecution objects to this document, which is
17 merely a conversation not even by General Miles, but
18 by one of his subordinate officers with a Japanese
19 military attache, in which they exchanged opinions,
20 as the Tribunal will see by looking at the last but
21 one and last but two paragraphs, and indeed right
22 through. The Japanese General's opinion appears to
23 have been highly unfavorable to his own government and
24 to that extent helpful to the prosecution, but we don't
25 desire to admit irrelevancy on that account.

1 MR. LOGAN: I am quite sure the document
2 doesn't warrant any such characterization as made by
3 Mr. Carr, but the last paragraph clearly shows that
4 General ISODA's views paralleled the conversations
5 which were in progress at that time between the
6 Japanese Embassy and the State Department; and, in
7 fact, he spoke for the Japanese Embassy in his
8 conversation with Colonel Bratton, reported by General
9 Miles.

10 THE PRESIDENT: If this were a conversation
11 between the President and Prince KONOYE I suppose we
12 would admit it, and in that event it would be material.
13 But is it material, is a conversation at that level
14 really of any probative value?

15 MR. LOGAN: I think it is to this extent,
16 if the Tribunal please: ~~that~~ not only would conversations
17 on the level of the President and Prince KONOYE be
18 admissible here, but this is also further indications
19 to show that in addition to officials on that level
20 as well as on the ambassadorial staff that here is a
21 military attache advancing the same argument why there
22 should be a settlement of this issue. It shows the
23 continuity of policy in the different levels of the
24 Japanese government.
25

THE PRESIDENT: We will give you the benefit

1 of the doubt. We will overrule the objection and admit
2 it on the usual terms.

3 CLERK OF THE COURT: Defense document 1500-H-3
4 will receive exhibit No. 2856.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 2656 and received in evidence.)
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MR. LOGAN: I shall read exhibit 2856:

"2 September 1941. Subject: Conversation between the Japanese Military Attache and the Chief, Far Eastern Section. Memorandum for the Chief of Staff:

"1. Coincident with the Japanese Ambassador's call on the President on the morning of August 28, 1941, Major General Saburo ISODA, Japanese Military Attache, called by appointment on Colonel R. S. Bratton, Chief of the Far Eastern Section, Intelligence Branch, this division. The following are notes of Colonel Bratton on the visit:

"I have known General ISODA and been associated with him under various circumstances for eighteen years. In consequence, our conversation was friendly, informal and entirely "off the record."

"General ISODA stated that, like the Ambassador, he was exploring ways and means to relieve Japanese-United States tension and bring about better relations between the two countries. During the course of a conversation which lasted for an hour and a half, General ISODA made statements to the following effect:

"a. Due to restrictions imposed by our export control, the Japanese have begun to use a portion of their war reserve of petroleum.

1 "b. He, the Naval Attache, the Ambassador
2 and the entire Embassy Staff are in accord in an earnest
3 desire to better United States-Japanese relations.

4 "c. Japan made a great mistake in joining
5 the Axis.

6 "d. The Army frequently gets out from under
7 control of the Civilian Government and has to be
8 restrained by Imperial Command.

9 "e. Japan has her back to the wall. She can
10 be pushed just so far, then will have to fight us to
11 save her national honor and integrity, though war
12 with the United States is the last thing desired by
13 Japan.

14 "When asked flatly my opinion as to what
15 assurances on the part of Japan would be acceptable
16 to the United States Government at this time, I told
17 him that Prince KONOYE, if he comes to talk with the
18 President, must come with Imperial sanction and armed
19 with authority to speak for and on behalf of the armed
20 forces of Japan as well as on behalf of the Civilian
21 Government. I said that, in my opinion, nothing short
22 of this would be productive of lasting results or be
23 acceptable to the President.

24 "General ISODA received this statement of
25 opinion on my part with entire good will, expressed his

1 pleasure over the opportunity of having a frank
2 talk, and stated his desire to have other and more
3 frequent talks in the future. I, in turn, assured
4 him that I would be glad to meet him in a private and
5 unofficial capacity at any time.'

6 "2. General ISODA's visit clearly parallels
7 the conversations now in progress between the Japanese
8 Ambassador and the State Department. In effect he
9 speaks for the Japanese Embassy, the entire staff of
10 which is sincerely working for the betterment of
11 Japanese-American relations. He obviously did not
12 feel empowered to speak for the Japanese Army."

13 Copies sent to: Secretary of War, Chief of
14 Staff, War Plans Division, Office of Naval Intelligence.

15 Defense document 1500-I-3 is a memorandum
16 for the Chief of Staff dated September 5, 1941, from
17 Brigadier General Sherman Miles, pointing out the
18 seriousness of the embargoes which were likely to
19 become dangerous before December 1, 1941. This
20 document is now offered in evidence.

21 THE PRESIDENT: Mr. Comyns Carr.

22 MR. COMYNS CARR: Your Honor, prosecution
23 objects to this document on the same grounds as before.
24 It is merely a resume of General Miles' views of
25 the situation on facts which are known to us all.

1 MR. LOGAN: This document also shows the
2 effect of the embargoes and the encirclement on the
3 Japanese at that time, and is based on intelligence
4 reports received by General Miles from unimpeachable
5 and very reliable sources. It shows that information
6 was brought home to the United States Government of
7 the effect of the economic embargoes, and that the
8 stoppage of Japan's trade -- the opinion that Japan
9 obviously did not want to go to war but at the same
10 time she felt because of these embargoes it was an
11 essential part of her foreign policy to do so.

12 THE PRESIDENT: By a majority the objection
13 is sustained and the document rejected.

14 MR. LOGAN: We offer in evidence defense
15 document 1500-J-3. This is an excerpt from Military
16 Intelligence Estimate, prepared by G-2, War Department,
17 Washington, D.C., dated 2 October 1941, revealing that
18 while the United States was insisting on the removal
19 of Japanese troops from China the military of America
20 were advising against such procedure.

21 It further recites that the United States
22 was seeking to gain time by diplomatic negotiations.

23 THE PRESIDENT: Mr. Tavenner.

24 MR. TAVENNER: If the Tribunal please,
25 objection is made to the introduction of this document

1 in evidence. It is the expression of opinion by a
2 governmental department regarding the Japanese situation
3 in the East, which is irrelevant. It is one of the
4 1500 series documents which was the subject of
5 inquiry at Pearl Harbor, and it is submitted that the
6 objections originally made to this class of documents
7 is good and should be sustained.

8 MR. LOGAN: I might also add, if the Tribunal
9 please, that when I examined Mr. Ballantine I asked
10 him the direct question if he had ever discussed at
11 any time the position of the United States with
12 respect to the withdrawal of Japanese Armed Forces
13 from China; as to whether or not he had ever discussed
14 in the State Department the strategic advantage of
15 keeping the Japanese Army bottled up in China although
16 at the same time the government was advocating that
17 Japan withdraw the army from China. Mr. Ballantine
18 said that he had no recollection of any such discussion.

19
20 This document shows that that question was
21 reported by Colonel Kroner to Chief of Staff, with
22 copies distributed to the President, Secretary of War,
23 Under Secretary of War, and Assistant Secretary of
24 War, on October 2, 1941.

25 THE PRESIDENT: Objection sustained and
document rejected by a majority.

1 MR. LOGAN: I might say that in reference
2 to Mr. Ballantine's testimony, it may be found on
3 pages 11,117 and 11,118 of the record.

4 We offer in evidence defense document
5 1500-L-2. This is a message from Chief of Naval
6 Operations released by Admiral Ingersoll and directed
7 to the forces in the Pacific, stating that as of
8 16 October 1941, Japan's situation was desperate and
9 admitting that Japan held the United States and Britain
10 responsible therefor.

11 THE PRESIDENT: Mr. Tavenner.

12 MR. TAVENNER: If the Tribunal please, the
13 prosecution is unable to comprehend how it could be
14 material to the issues in this case that the United
15 States Government was uneasy about conditions in
16 Japan and for that reason warned its representatives.
17 This document, we claim, is inadmissible on the same
18 grounds as previously mentioned in connection with
19 these 1500 series documents.
20

21 MR. LOGAN: This evidence is offered to show
22 not only that America was cognizant of what was going
23 on, but it is also offered to refute the prosecution's
24 contention that the Pearl Harbor attack came out of
25 a clear blue sky unknown to anybody. It is material
and relevant to the question which the Tribunal will

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22 on, but it is also offered to refute the prosecution's
23 contention that the Pearl Harbor attack came out of
24 a clear blue sky unknown to anybody. It is material
25 and relevant to the question which the Tribunal will

1 have to decide as to whether or not this war was a
2 war which was provoked or not.

3 THE PRESIDENT: By a majority the objection
4 is sustained and the document rejected.

5 MR. LOGAN: We next offer in evidence defense
6 document 1500-P-3, being a further excerpt from the
7 Pearl Harbor Investigation. This shows that on
8 October 16, 1941, a dispatch was sent to all United
9 States merchant ships in the Pacific to take pre-
10 cautionary steps because of the possibility of hostile
11 action by Japan.

12 THE PRESIDENT: Mr. Tavenner.

13 MR. TAVENNER: If the Tribunal please, pros-
14 ecution desires to make the same objection on the
15 same grounds.

16 THE PRESIDENT: Objection sustained and document
17 rejected by a majority.

18 MR. LOGAN: We offer in evidence defense
19 document 1500-Q-3. This is a top secret dispatch
20 from Chief of Naval Operations to Commander-in-Chief
21 in the Pacific, dated 17 October 1941, referring to
22 the reinforcement of the Philippines with long-range
23 bombers.
24

25 THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: The same objection on the same

1 grounds, if the Tribunal please.

2 MR. LOGAN: This has a direct bearing on
3 the defense we are trying to prove here, if the Tribunal
4 please, and also material as to the question when
5 defensive operations become offensive.

6 THE PRESIDENT: Objection sustained, and
7 document rejected by a majority.

8 MR. LOGAN: We offer in evidence defense docu-
9 ment 1500-R-3. This is a top secret dispatch from the
10 Office of Naval Operations to the commanders in the
11 Pacific, dated 23 October 1941, reciting the necessity
12 of armed escort for military cargo in the Pacific.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, the
15 prosecution desires to offer the same objection on
16 the same grounds.

17 MR. LOGAN: I urge its acceptance for the
18 same reasons heretofore urged.

19 THE PRESIDENT: Objection sustained, document
20 rejected by a majority.

21 We will recess for fifteen minutes.

22 (Whereupon, at 1445, a recess was
23 taken until 1500, after which the proceedings
24 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International Military
2 Tribunal for the Far East is now resumed.

3 MR. LOGAN: We offer in evidence defense
4 document 1500-K-3. This is an excerpt from Military
5 Intelligence Estimate prepared by G-2, War Depart-
6 ment, Washington, D. C., dated November 2, 1941,
7 stating Japan's internal military and economic con-
8 dition after four years of war in China and reciting
9 the knowledge on the part of the United States by the
10 highly informed officers of the United States that
11 Japan did not want war with the United States but
12 her political and economic situation demanded action.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: The same objection, if the
15 Tribunal please.

16 THE PRESIDENT: The objection is sustained
17 and the document rejected by a majority.

18 MR. LOGAN: We offer in evidence defense
19 document 1500-Z-4. This is an excerpt from the
20 secret Joint Board Meeting in Washington, D. C.,
21 November 3, 1941, which was attended by Admiral Stark,
22 United States Chief of Naval Operations, and General
23 Marshall, Army Chief of Staff, and other high ranking
24 military officers, showing that the high ranking mili-
25 tary personnel of the United States was considering

1 every angle of a possible war with Japan and were
2 stalling for time.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If the Tribunal please, the
5 same objection is made to the introduction of this
6 document.

7 MR. LOGAN: I call the Tribunal's attention
8 to those who were present at this meeting and the
9 discussion which took place. Those who were present
10 appear at the end of the document, and the nature of
11 the discussion is contained in the document itself.

12 THE PRESIDENT: By a majority, the objection
13 is sustained and the document rejected.

14 MR. LOGAN: We offer in evidence defense
15 document 1500-Q-5, being an excerpt from a memo-
16 randum for the Chief of Staff from Brigadier General
17 Gerow, dated November 3, 1941, with regard to aid to
18 China, the building up of the defenses of Singapore
19 and the Netherlands East Indies by reinforcement of
20 the Philippines, and diplomatic and economic pressure
21 to be applied.

22 THE PRESIDENT: Mr. Tavenner.

23 MR. TAVENNER: The same objection, if the
24 Tribunal please.

25 MR. LOGAN: This definitely shows the policy

1 of the United States with respect to aid to China,
2 defense of Singapore and Netherlands East Indies,
3 which is directly bearing on the affirmative defense
4 of these accused as to the necessity of waging a
5 defensive war for their own self preservation.

6 THE PRESIDENT: It is common ground that the
7 United States was helping in China, and we have ad-
8 mitted documents showing the extent of the assistance.

9 By a majority, the objection is sustained and
10 the document rejected.

11 You may not have heard what I said, Mr. Logan.

12 MR. LOGAN: No, I didn't.

13 THE PRESIDENT: I said, it is common ground
14 that the United States was helping China, and we have
15 admitted documents showing the extent of the assistance.

16 MR. LOGAN: I appreciate that.

17 We offer in evidence defense document 1500-C-2
18 which is a memorandum for the President of the United
19 States from Admiral Stark, Chief of Naval Operations,
20 dated November 5, 1941. It is offered for the purpose
21 of showing the true American intentions relative to
22 China and the fact that the United States was seeking
23 to avoid hostilities until it had improved its mili-
24 tary strength.

25 THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please, this
2 is another document dealing with the estimate con-
3 cerning the Far Eastern situation, which we think is
4 irrelevant and immaterial on the same grounds as
5 previously mentioned, and objection is made to its
6 introduction.

7 MR. LOGAN: I specifically call the Tribunal's
8 attention to the recommendation contained at the end
9 of this document.

10 THE PRESIDENT: "That no ultimatum be de-
11 livered to Japan."

12 MR. LOGAN: And the four lines preceding that.

13 THE PRESIDENT: By a majority, the objection
14 is upheld and the document rejected.

15 MR. LOGAN: I intend to show, if the Tribunal
16 please, that they recommended: "That the dispatch of
17 United States armed forces for intervention against
18 Japan in China be disapproved," which was under con-
19 sideration at that time. "That material aid to China
20 be accelerated consonant with the needs of Russia,
21 Great Britain, and our own forces. That aid to the
22 American Volunteer Group be continued and accelerated."

23 This document has a direct bearing on the
24 defense, the affirmative defense of these accused,
25 that we are seeking to prove.

1 THE PRESIDENT: That document has been re-
2 jected.

3 MR. LOGAN: We offer in evidence defense docu-
4 ment 1500-T-5, an excerpt from the testimony of General
5 Marshall before the Congressional Investigation
6 Committee which discusses the supplying of planes to
7 the Volunteer Air Force under General Chennault.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If the Tribunal please, this
10 document does not advance the issues. It is irrele-
11 vant, in our contention, and we object to its intro-
12 duction.

13 MR. LOGAN: I believe this is the first time
14 of any evidence in this case as to the operation of
15 that Air Force under General Chennault. I believe it
16 is material to show the aid that was given to China
17 by the United States as to whether or not it is --

18 THE PRESIDENT: It will be part of the aid
19 about which there is no question.

20 MR. LOGAN: There may be no question that the
21 aid was given, but I don't know as that the prosecution
22 will concede the way in which it was given and what
23 backing the United States Government gave to it. That
24 is why we are offering this testimony, to show that.

25 THE PRESIDENT: The objection is sustained

1 and the document rejected, by a majority.

2 All decisions today have been by a majority;
3 at least, all decisions rejecting documents.

4 MR. LOGAN: We next offer defense document
5 1500-V-4. This shows the exchange of telegrams be-
6 tween Washington and Chungking in October and November,
7 1941, revealing the exchange of intelligence between
8 the United States and China and the aid extended and
9 contemplated by the United States and Great Britain.

10 THE PRESIDENT: Mr. Tavenner.

11 MR. TAVENNER: If the Tribunal please, the
12 prosecution contends that this exchange of five tele-
13 grams is not relevant and material to any issue in
14 this case.

15 THE PRESIDENT: Just telegrams about the
16 help given by America to China, I suppose.

17 MR. TAVENNER: That is true, Sir. Objection
18 is made to the introduction.

19 MR. LOGAN: The question, of course, being
20 the extent of this help that was given, whether or not
21 it was sufficient to enable the Tribunal to make a
22 determination that this war was one of provocation.
23 These telegrams passed between high ranking officials
24 of the various countries, one from Generalissimo
25 Chiang Kai-shek to President Roosevelt.

THE PRESIDENT: By a majority, the Court sustains the objection and rejects the document.

1 MR. LOGAN: We offer in evidence defense
2 document 1500-S-5, an excerpt from exhibit No. 5 of
3 the Proceedings of the Clarke Investigation, which
4 is a radiogram dated June 26, 1941, sent from Manila
5 and signed by General Grunert, setting forth British
6 plans to use certain Chinese airfields as bases and
7 the general plan of cooperation between the British
8 and Chinese in the event of Japanese operations
9 against the British. It further cites the British
10 intention to encourage guerrilla warfare against the
11 Japanese in certain areas.
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1 THE PRESIDENT: Or in the event of an
2 attack by Japan against Malaya or Hongkong.

3 Mr. Tavenner.

4 MR. TAVENNER: The same objection is made
5 to the introduction of this document, if the Tribunal
6 please.

7 THE PRESIDENT: The Tribunal upholds the
8 objection and rejects the document by a majority.

9 MR. LOGAN: We offer in evidence defense
10 document 1500-Y-4. This is a draft of a strictly
11 confidential reply of the President of the United
12 States to a message sent him by Generalissimo Chiang
13 Kai-shek in which American Aid to China is discussed at
14 a time when the United States was an alleged neutral.
15 This is dated November 10, 1941.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, this
18 is a reply to the letter of Chiang Kai-shek which has
19 been rejected in evidence. The reply is objected to
20 on the same grounds that the original letter was
21 rejected.

22 MR. LOGAN: This document also has a direct
23 bearing on the issue this Tribunal will have to decide
24 as to whether or not the acts of the United States
25 and other Allied countries was sufficient to constitute

1 provocation.

2 THE PRESIDENT: This does not appear to
3 add anything to the admitted situation.

4 By a majority the document is rejected.

5 MR. LOGAN: We next offer in evidence defense
6 document 206-E(120), being an excerpt from the Diary
7 of Ambassador Grew, entitled 10 Years in Japan,
8 exhibit 2306 for identification. This shows that
9 on November 11, 1941 Prime Minister Churchill pledged
10 that if the United States should become involved in
11 a war with Japan a British declaration of war would
12 follow within the hour.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, this
15 document has been introduced in evidence heretofore.

16 THE PRESIDENT: I certainly have read it
17 before, but the defense may not have.

18 MR. LOGAN: Maybe I don't recall it and Mr.
19 Tavenner doesn't know the exhibit number of it.

20 MR. TAVENNER: The page number is 24,274.

21 MR. LOGAN: On that statement I withdraw it.

22 We offer in evidence defense document 1500-U-5,
23 an excerpt from the testimony of General Marshall before
24 the Congressional Investigating Committee which
25 discusses Mr. Churchill's statement that if Japan

1 attacked America, Great Britain would be in the
2 war within one or two hours. It further discusses the
3 Volunteer Air Corps operation and the supply of
4 planes to this organization.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: If the Tribunal please, as
7 in previously rejected documents this is conditioned
8 upon war with Japan. Objection is made to it on the
9 grounds of its irrelevancy and immateriality.

10 MR. LOGAN: I think, if the Tribunal please,
11 that this testimony of General Marshall, the highest-
12 ranking army official in the United States, with respect
13 to this aid to China, showing the extent of it, and
14 the actions of the United States in regard to this
15 Volunteer Air Corps should be accepted in evidence as
16 bearing on the question of whether or not Japan had a
17 right to do what she did in the affirmative defense of
18 these accused.

19 THE PRESIDENT: General Marshall doesn't go
20 into the details of the help given to China. He just
21 discusses some of the matters.

22 MR. LOGAN: There has been some indication
23 in this trial that this aid to this Volunteer Air Corps
24 was not backed up by the United States and that General
25 Marshall goes into considerably here to show just how

1 this force operated. In other words, an isolated
2 instance of assistance, perhaps, would not be sufficient
3 to justify a provocation, but where there is a
4 continuing policy I think we should be permitted
5 to show it.

6 THE PRESIDENT: By a majority the objection
7 is sustained and the document rejected.

8 MR. LOGAN: We next offer in evidence
9 defense document 1500-S-3. This is a Top Secret
10 naval dispatch of November 23, 1941 for the Commander-
11 in-Chief of the Pacific reciting large United States
12 Army troop movements scheduled to depart from San
13 Francisco.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If the Tribunal please, the
16 same objection is made to the introduction of this
17 document into evidence.

18 MR. LOGAN: This is material to the defense.
19 We are trying to show in this case, if the Tribunal
20 please, the transformation from defensive operations
21 to offensive, and it is before the Tribunal to
22 determine whether or not these acts constituted
23 sufficient grounds for the accused to act as they did.

24 MR. TAVENNER: If the Tribunal please, I
25 would like to point out that there is nothing in this

1 document that indicates that this consists of a
2 troop movement for offensive purposes. The document
3 shows that --

4 THE PRESIDENT: If there is a doubt about it,
5 aren't they entitled to benefit.

6 MR. TAVENNER: I was going to add, if your
7 Honor please, that the document does show, on the
8 contrary, that it is in the nature of a warning to
9 the movement of ships, both troop ships and merchant
10 ships, that are scheduled for voyages, ready to sail
11 trans-Pacific. Seven vessels have already sailed, it
12 says. And this document --

13 THE PRESIDENT: This suggests a very extensive
14 movement of troops right across the Pacific.

15 MR. TAVENNER: And the document shows that
16 the warning was given in view of reports that Japanese
17 vessels are patrolling the area.

18 THE PRESIDENT: Well, we will give you the
19 benefit of the doubt, Mr. Logan. The objection is
20 overruled and the document admitted on the usual terms.

21 CLERK OF THE COURT: Document No. 1500-S-3
22 will receive exhibit No. 2857.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 2857 and received in evidence.)

MR. LOGAN: I shall read Exhibit No. 2857:

1 "Department dispatches apparently do not take
2 cognizance of the magnitude of Army troop movement
3 directed by War Department from San Francisco by
4 December 10 involving about 22 vessels including
5 largest liners. Aside from troop transportation
6 about 12 merchant on scheduled voyages ready to
7 sail trans-Pacific. Seven vessels already sailed.
8 Com 12 organizing 17 knot convoy to depart San
9 Francisco by December 8. Also planning 10 knot
10 convoy to assemble Honolulu by December 15 routings
11 prescribed eastward of Ellice Islands thence Torres
12 Straits. Watering necessary practically all vessels
13 especially troop transports. In view reports Japanese
14 patrolling this area believe it vulnerable. Subject
15 to further study believe routing south about Australia
16 impracticable. If troop movement must be made at
17 this time recommend great circle course to San Bernard-
18 ino Strait with adequate fleet protection."

20 We offer in evidence defense document 1500-

21
22 M-2. This is a sealed secret message from Chief of
23 Naval Operations to Commanders in the Pacific and
24 elsewhere dated 24 November 1941 and warning against a
25 surprise aggressive movement by Japan against the

United States.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: Same objection, for the same
3 reasons, is made to the introduction of this document.

4 THE PRESIDENT: These are only calculations
5 or warnings. By a majority, the objection is sus-
6 tained and the document rejected.

7 MR. LOGAN: We offer in evidence Defense
8 Document 1500-L-3. This is an excerpt from a Milit-
9 ary Intelligence Estimate prepared by G-2, War Depart-
10 ment, Washington, D.C., dated 26 November 1941, show-
11 ing the extent to which the military actions of Japan
12 were being scrutinized by the authorities in the
13 United States.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: Same objection if the Tribun-
16 al please.

17 THE PRESIDENT: By a majority, the objection
18 is sustained and the document rejected.

19 MR. LOGAN: We offer in evidence defense
20 document 1500-N-2. This is an excerpt from a secret
21 message from the War Department to General Short in
22 Hawaii, dated November 26, 1941, wherein it is reveal-
23 ed that the United States was prepared to fly over
24 the Japanese Mandated Islands for the purpose of
25

photography and reconnaissance.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: Same objection, if the Tri-
3 bunal please.

4 THE PRESIDENT: This is only reconnaissance,
5 isn't it? This doesn't affect any troop movements
6 or the disposition of the fleet?

7 MR. LOGAN: There was a subsequent question
8 raised in this Pearl Harbor Investigation Report as
9 to the effect of sending scouting planes over Mandated
10 Islands, as to the effect if one of them had been
11 shot down,-- whether or not that would have consti-
12 tuted an act of war.

13 THE PRESIDENT: Does this show that the
14 Americans were photographing Japanese harbors?

15 MR. LOGAN: They were contemplating it,
16 your Honor. The planes were all set for the photo-
17 graphing of the various islands, the Mandated Islands.

18 THE PRESIDENT: Objection overruled; the
19 document is admitted.

20 THE CLERK: Defense document 1500-N-2 will
21 receive Exhibit Number 2858.

22 (Whereupon the document in question
23 was marked Exhibit No. 2858 and received in
24 evidence.)
25

MR. LOGAN: I shall read Exhibit No. 2858:

"Exhibit No. 32. Messages between War Department and Hawaii. 26 November 1941. From Adj. Gen. to Short. Subject: Reconnaissance Mission.

"Commanding General, Hawaiian Department, Fort Shafter, T. H.

"Reference two B dash twenty four airplanes for special photo mission. It is desired that the pilots be instructed to photograph Truk Island in the Caroline group, Jaluit in the Marshall group. Visual reconnaissance should be made simultaneously. Information desired as to the number and location of naval vessels including submarines, airfields, aircraft, guns, barracks and camps. Pilots should be warned islands strongly fortified and manned. Photography and reconnaissance must be accomplished at high altitude and there must be no circling or remaining in the vicinity. Avoid orange aircraft by utilizing maximum altitude and speed. Instruct crews if attacked by planes to use all means in their power for self preservation. The two pilots and copilots should be instructed to confer with Admiral Kimmel upon arrival at Honolulu to obtain his advice. If distance from Wake to Jaluit to Moresby is too great suggest one B dash twenty-four proceed from Wake to Jaluit and

1 back to Wake, then Philippines by usual route, photo-
2 graphing Ponape while en route Moresby. Advise pilots
3 best time of day for photographic Truk and Jaluit.
4 Upon arrival in Philippines two copies each of any
5 photographs taken will be sent to General MacArthur,
6 Admiral Hart, Admiral Kimmel, The Chief of Naval
7 Operations, and the War Department. Insure that both
8 B dash twenty-four airplanes are fully equipped with
9 gun ammunition upon departure from Honolulu. Signed
10 ADAMS."

1 This is a memorandum for the President of
2 the United States dated November 27, 1941, and issued
3 by Chief of Naval Operations Admiral Stark and Army
4 Chief of Staff General Marshall, reciting, among
5 other things, that from the United States viewpoint
6 the gaining of time was most essential, and that
7 Army and Navy reinforcements had been rushed to the
8 Philippines -- that the desired strength had not yet
9 been reached. This document further sets out the
10 conditions under which the United States, Dutch, and
11 British military authorities would collaborate in
12 the Far East.

13 We offer in evidence defense document 1500-A-5.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If it please the Tribunal,
16 the conditions under which the Allied Powers were to
17 collaborate under this document were that the Japan-
18 ese move their forces into Thailand west of 100 de-
19 grees east or south of 10 degrees north, and other
20 places. In other words, the action was conditioned
21 upon aggressive action being taken by the Japanese.
22 A general statement is contained in the document
23 that considerable reinforcements had been rushed to
24 the Philippines and that it is intended to send
25 other troops at a later date.

This is one of the 1500 series documents which was the result of the Pearl Harbor Investigation and which at that time could not have been known or considered by the Japanese in any action they may have taken.

THE PRESIDENT: We are inclined to let in evidence of all these troop movements just before the war opened.

MR. TAVENNER: Then, if the Tribunal please, that would be confined to the one statement that appears in the next to the last paragraph regarding considerable reinforcements. The rest of the document would, on that theory, be irrelevant and immaterial. It would be the second sentence in the next to the last paragraph on the first page.

THE PRESIDENT: You see, these discussions on what Japan would be likely to do, or what would be done if Japan does those things, have already been rejected.

MR. LOGAN: I think that entire paragraph is material. That is the fifth paragraph on the page. I also believe Admiral Stark's recommendation on page 2 is also material.

THE PRESIDENT: We don't want the speculations, but troop movements we will admit.

1 That is confined to what Mr. Tavenner sug-
2 gests.

3 MR. LOGAN: I suggest that that entire para-
4 graph go in. That is the fifth paragraph on page 1.

5 THE PRESIDENT: No, it is not necessary.
6 It is not relevant. We admit that part of the fifth
7 paragraph commencing "considerable Navy and Army re-
8 inforcements have been rushed to the Philippines"
9 down to "December 8, 1941." If we admit any more we
10 contradict our own decisions given earlier.

11 MR. TAVENNER: If the Tribunal please, I
12 made an error a few moments ago in the citation of
13 the record and I would like to correct it. I refer-
14 red to defense document 206-E-120 as having been
15 admitted in the record at page 24,473. The correct
16 page number is 10,353, and the number of the exhibit
17 is 1173. I regret having made the error.

18 CLERK OF THE COURT: Defense document
19 1500-A-5 will receive exhibit No. 2859.

20 (Whereupon, the document above referred
21 to was marked defense exhibit 2859 and received
22 in evidence.)

23 MR. LOGAN: I shall read exhibit 2859, the
24 excerpt.
25

1 "Excerpt from Congressional Investigation,
2 November 27, 1941.

3 "MEMORANDUM FOR THE PRESIDENT

4 "Subject: Far Eastern Situation.

5 "Considerable Navy and Army reinforcements
6 have been rushed to the Philippines but the desirable
7 strength has not yet been reached. The process of
8 reinforcement is being continued. Of great and immed-
9 iate concern is the safety of the Army convoy now
10 near Guam, and the Marine Corps' convoy just leaving
11 Shanghai. Ground forces to a total of 21,000 are due
12 to sail from the United States by December 8, 1941."

13 We offer in evidence defense document 1500-J-4.
14 This is an excerpt from the testimony of Admiral H.
15 R. Stark in which he discusses the joint memorandum
16 given to the President on November 27, 1941.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If the Tribunal please, objec-
19 tion is made to the introduction of this document in
20 evidence. It is one of those of the 1500 series and
21 could not have influenced Japanese action and there-
22 fore is inadmissible; that is, the fact sought to be
23 established is irrelevant and immaterial from any
24 standpoint.
25

MR. LOGAN: This document also shows, if the

1 Tribunal please, in addition to the troop movement
2 the air program, the training of the Philippine scouts
3 and the laying of mines in the Philippines for protec-
4 tion of Manila Bay.

5 THE PRESIDENT: The mine laying was clearly
6 defensive. The troop movements might have been
7 equivocal as far as the Japanese were concerned.

8 The objection is sustained and the document
9 rejected, by a majority.

10 MR. LOGAN: Defense document 1500-P-2 is
11 offered in evidence. This is a message from the
12 War Department to the Commanding General, Western
13 Defense Command, dated November 27, 1941, also recit-
14 ing that negotiations with Japan appeared to be ter-
15 minated and that the United States, in the event of
16 hostilities, desired Japan to make the first overt act.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If the Tribunal please, this
19 document is another of the 1500 series, which is
20 nothing more than a warning that aggressive action is
21 likely to occur on the part of Japan. The giving of
22 that warning is immaterial to any issue here, and
23 objection is made to its introduction.

24 MR. LOGAN: If the Tribunal please, this is
25 a message from General Marshall, the highest ranking

1 army official in the United States, showing the state
2 of mind of the American military at that time; that
3 they knew the situation was tense, and the message
4 specifically shows that hostilities cannot be avoided,
5 which they knew were coming at that time; that it was
6 the desire of the United States that Japan commit the
7 first overt act.

8 THE PRESIDENT: But he directs reconnaissance
9 in such a way as not to alarm the population. That
10 can only be the population, perhaps, of Japan.
11 What he says about waiting for Japan to start is
12 neither here nor there as far as I can see it. Direct-
13 ing reconnaissance in those terms is different. I
14 think the Members desire to admit this document, Mr.
15 Tavenner.

16 The objection is overruled and the document
17 is admitted on the usual terms.

18 Mr. Logan, it is suggested that this may be
19 directed to the Commanding General of Hawaii and that
20 the population is the population of Hawaii.

21 MR. LOGAN: I believe that is true, your
22 Honor.

23 THE PRESIDENT: Well, then reconnaissance
24 would not be a hostile act.

25 MR. LOGAN: If the Tribunal please, this

1 document clearly shows the state of mind of the
2 highest ranking army official in the United States
3 at that time, that the effect of the economic sanc-
4 tions and the military encirclement of Japan had
5 reached such a state that they realized these hostili-
6 ties were coming on, and it was the desire of General
7 Marshall that if hostilities cannot be avoided the
8 United States desired that Japan commit the first overt
9 act.

10 I have just been reminded that this happened
11 the day after the note of November 26 was sent, which
12 was called by some an ultimatum, and this action on
13 the 27th should be taken into consideration along with
14 the ultimatum or note of November 26, 1941.

15 MR. TAVENNER: If the Tribunal please, as to
16 the point just referred to by counsel, the document
17 shows clearly that it is only in the event that hos-
18 tilities are unavoidable that it was their desire that
19 Japan pass the first blow. The tenor of the whole
20 document is that purely of a defensive matter.

21
22 THE PRESIDENT: I am reminded that if Japan
23 did not strike there was to be no war.

24 MR. LOGAN: That is problematical, your Honor.

25 MR. TAVENER: If that is true, the document

1 could not be relevant and material; and on the point
2 your Honor mentioned, it has been clear from other
3 documents that have been tendered and which have been
4 rejected that the populace of the Hawaiian Islands
5 should not be alarmed or excited more than absolutely
6 necessary in the maneuvers and the defensive action
7 that the United States was taking.

8 THE PRESIDENT: I think we will adjourn and
9 give our decision in the morning.

10 We will adjourn until half-past nine in the
11 morning.

12 (Whereupon, at 1600, an adjournment
13 was taken until Wednesday, 13 August 1947, at
14 0930.)
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